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**Mining and Mineral Industries in Post-Apartheid South Africa**

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**Mining and Mineral Industries in Post-Apartheid South Africa**

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## **Dedication**

To the memory of  
Ruby L. Snyder

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I thank God Almighty for helping me fulfill my aspiration and giving me the strength to complete my research. I continue to seek His guidance.

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# **Mining and Mineral Industries in Post-Apartheid South Africa**

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Supervisor: Willem C. J. van Rensburg

This dissertation focuses on post-apartheid political factors in South Africa's mining and mineral industries, especially strategic minerals. The government is very important in South Africa's mining and government policies which influence the supply of minerals. After 1990, the government renounced apartheid, and the 1990's were a transition time for the government. During the transition, there was an interim constitution, The Constitution of the Republic of South Africa Act 200 of 1993, and the Act had geopolitical ramifications. The Act divided South Africa's original four provinces into nine provinces with new names. This information is to connect pre-1994 references to post-1994 South African conclusions.

This dissertation discusses the government's relationships with the Chamber of Mines of South Africa (Chamber), the Department of Mineral and Energy (DME), and the government's land policies and reforms.

The Department of Mineral and Energy is the component of the government that establishes and implements the government's mineral and energy policies. The Department's Mineral Development Branch effects strategic mineral supply. The Mineral Economics Directorate was formerly known as the Minerals Bureau. The MED-Minerals Bureau analyzes mineral data, both inside and outside of South Africa, and has the task to appraise mineral intelligence, international and world development in mineral economics.

The government is trying to enhance strategic mineral exports with research and development (R&D) by the government's parastatal organizations such as the Council for Mineral Technology (Mintek).

This dissertation discusses the origins of post-1994 land policies and post-1994 mining policies which culminated with the Mineral and Petroleum Resources Development Act (Act 28 of 2002) and the October 2002 Mining Charter. This Act will implement either socialist ideals or regulated industries with capitalist ideals.

There are conclusions and recommendations for investors in South Africa's mining industry. Conclusions focus on factions, socialists and centrists, in the government on South Africa's futures mineral industries. Finally, there are recommendations for strategic mineral providers/investors; comply with the Act and the October 2002 Mining Charter, help centrists in elections, and work with the government's Mineral Economic Directorate-Minerals Bureau.

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## **Introduction**

Major political changes are sweeping the world. These notable events began in mid-1989 with the ending of Soviet control in Eastern Europe and the resurgence of those nations and nationalities. National boundaries are being reshaped and national groups are demanding a realignment of power.<sup>1</sup>

The demise of the Soviet Union which brought the birth of the Commonwealth of Independent States and the restoration of Russia with the Russian Federation are the best examples.<sup>2</sup> The disintegration of the old Yugoslavia provides another example,<sup>3</sup> and the Czech and Slovak Republics were created out of what was Czechoslovakia.<sup>4</sup>

Europe is not unique in these changes. Of prime importance to the United States are changes occurring in the Republic of South Africa. The election of F. W. de Klerk in 1989 signaled the beginning of accelerated change that lead to the evolution and creation of what is called a “New South Africa.”<sup>5,6</sup> Many laws changed and all political groups started meetings in December 1991, to form a new constitution.<sup>7</sup> A general election was held in April 1994,<sup>8</sup> and a new general election occurred in June 1999.<sup>9</sup> Politically, this resulted in the dismantling of the apartheid system.

Apartheid was a political system that legally separated the people of South Africa into different racial categories-white, black, Asian, and colored-which circumscribed various aspects of their lives.<sup>10</sup> Laws were enacted with the purpose of maintaining and elevating the position of the politically dominant

group, the whites. For example, the Separate Amenities Act of 1953, the Group Areas Act of 1966, Land Acts of 1913 and 1936, and the Population Registration Act of 1950 were laws designed to prevent free movement and property ownerships by blacks in South Africa. Laws were also passed that prevented the majority black population from voting and participating in the legislative process that was influencing their lives. The whites controlled the vast majority of the nation's wealth through the apartheid laws<sup>11</sup> and they benefited with a living standard on par with other developed nations. The majority of the black population lives in poverty and has the standard of living of underdeveloped nations.<sup>12,13</sup>

This inequity led to various forms of protest, both inside and outside South Africa. These protests led to political changes. The apartheid laws have been repealed.<sup>14</sup> However, there will be continued political adjustments as the different and differing groups vie for positions in the post-apartheid society, government, and economy.

South Africa's mining and mineral industries are important elements in the country's economy.<sup>12,15</sup> South Africa is the world's top producer of many mineral commodities and a major producer of many more. It has the world's fourth largest mineral industry.<sup>16</sup> The former United States Bureau of Mines classified 92 commodities, surveyed annually and South Africa is a major producer of 24 of these commodities. South Africa is a major producer of 15 of the 56 minerals imported into the United States.<sup>17</sup>

South Africa is a main producer and supplier of minerals that are strategic and critical to the United States.

Strategic minerals are those minerals required to meet the needs of military and industrial production as well as essential civilian activities during a national emergency, but which the United States cannot currently produce in sufficient quantities to meet that demand.<sup>18</sup>

Of the strategic minerals produced worldwide, there are “strategic minerals currently imported from South Africa which are essential for the economy or defense of the United States and are unavailable from reliable and secure suppliers.”<sup>19</sup>

The intimate association that South Africa has with the United States economy and the effects of the political transformations there are likely to have an effect on mineral production and supply. It is vital to have a clear understanding about those changes.

#### **PROBLEM STATEMENT**

South Africa is the primary supplier of many minerals that are vital to America's industries and defense. South Africa also produces other economic mineral and mineral products.

The geological potential for the future exploitation of minerals still exists in South Africa even though mining has been a major enterprise for many years. For example, South Africa has approximately 77-84 per cent of the known chromium reserves, 71-82 per cent of the known manganese reserves of the world,<sup>20</sup> and more than half of the world's platinum group metals reserves are in South Africa.<sup>21</sup>

Domestic South African apartheid policies were attacked for many years by the international community and they imposed trade sanctions on South African exports.<sup>22</sup> The United States government reacted to apartheid laws by enacting the Comprehensive Anti-Apartheid Act of 1986. This law prohibited the import into the U. S. of most goods from South Africa and prohibited the export to South Africa of most U. S. goods. The law stated that the sanctions would be lifted if the South African government, among other things, would abolish the apartheid laws and free its political prisoners.

In 1989, F. W. de Klerk ran for President of the Republic of South Africa and won on a platform of repealing the apartheid laws.<sup>23</sup> In his speech opening the South African Parliament in Cape Town on February 1, 1991, President de Klerk declared that the apartheid laws would be eliminated.<sup>5</sup> All the apartheid laws had been repealed by June 30, 1991. By that time, the government declared the end of the South African state of emergency,<sup>24</sup> legalized all political parties, released political prisoners, and embarked on suffrage for the black population.<sup>14</sup> The international political opinion improved about South Africa with the changes in the country's laws.<sup>25</sup>

Improved political opinion resulted in the lifting of sanctions and the opening and improving of markets.<sup>26</sup> However, the international financial community remained hesitant about reinvesting in South Africa. There are concerns as to the stability of the evolving government system, and the form of the economic system.<sup>27</sup> An unstable government or an economic system that would not allow companies to secure profits would inhibit investments in mining

and mineral industries, resulting in a decrease in supply. Ores will be depleted and the industry will close without investments to expand mines and for research and development to improve mining and processing techniques.

South Africa's minerals and mineral products supply are influenced by governmental actions that affect the country internally. The government is responsible for the development and maintenance of its infrastructure, both social and physical, which supports the mining and mineral industries. It creates a legal and fiscal environment that contributes to the potential profit of the industries. The government creates and administers laws and agencies that have a direct effect on the industries. Historically, governmental policies have been profitable for the mining and mineral industries and have helped ensure supply.

During the current period of change, there are concerns whether there will be a shift away from policies that have benefited the industries. The concerns extend beyond policies and question the allocation of post-apartheid government resources.

There have been and continue to be changes in the political environment of South Africa. On December 20, 1991, delegates from all political groups met at the Convention for a Democratic South Africa (Codesa) to embark on the writing of a new constitution.<sup>7</sup> After two years of work and compromise, the parties reached consensus and endorsed an interim constitution on November 18, 1993.<sup>28</sup>

The constitution's Chapter 2, Section 6 contains language for the enfranchisement of all South African. This section was one of the essential tenets



for democracy of the “New South Africa.” Several elections have occurred since the interim constitution, a national election for the president, local elections for the senate, and elections for provincial and local governments.<sup>29</sup> The first national election was in April 1994, and the African National Congress (ANC) and Nelson Mandela, the leader of the ANC, won the election.<sup>30</sup>

After the April 1994 national election, a Constitution Assembly (CA) was formally established on May 24, 1994. The CA members were elected from representatives from the parties to write a new final constitution.<sup>31,32</sup> The members negotiated the drafts and finally a new constitution arrived on May 8, 1996. A Bill of Rights and amendments were added to the final new constitution.<sup>33</sup> On December 10, 1996, President Nelson Mandela signed the law that validated the new constitution.<sup>32,34</sup> The economy will be affected, as will the mining and mineral industries which are a primary component of South Africa’s economy.

The effect on South Africa’s mining operations, minerals production and supply due to the political, legal, and social changes occurring in South Africa is the issue analyzed in this research.

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## **Chapter 2: Government Relationships in the South African Mining and Mineral Industries**

South Africa's government has political and economic relationships with the country's mining and mineral industries. South Africa has been endowed with an abundance of minerals and many are in concentrations that have economic value, given the existing technology.<sup>1,2</sup> The mineral concentration is referred to as a mineral resource with the existing technology. The United States Geological Survey defined a resource as:

A concentration of naturally occurring solid, liquid, or gaseous material in or on the Earth's crust in such form and amount that economic extraction of a commodity from the concentration is currently or potentially feasible.<sup>3</sup>

A concentration of a mineral without regard to the current economic feasibility of extracting a commodity is known as a mineral source. A mineral source can be uneconomic under current technology. An example is gold in sea water. There are some 6,000,000 metric tons of gold dissolved in the earth's oceans. However, no economic ways have been discovered to extract the gold, even though methods have been devised and patented since the 1920's.<sup>4</sup>

Mineral reserves are:

That part of the [mineral resource] which could be economically extracted or produced....The term...need not signify that extraction facilities are in place and operative. [Mineral] Reserves include only recoverable materials....<sup>3</sup>

Mineral supply is the total system that contains reserves for exploitation, operating facilities for extraction of the commodity, markets for the extracted

commodity, and operational infrastructure for delivery. South Africa's mining and mineral industries comprise the country's mineral supply.

The mining and mineral industries have developed South Africa's mineral abundance for both its domestic uses and international trade. Its mineral endowment exceeds its domestic needs and, therefore, it exports many mineral commodities.

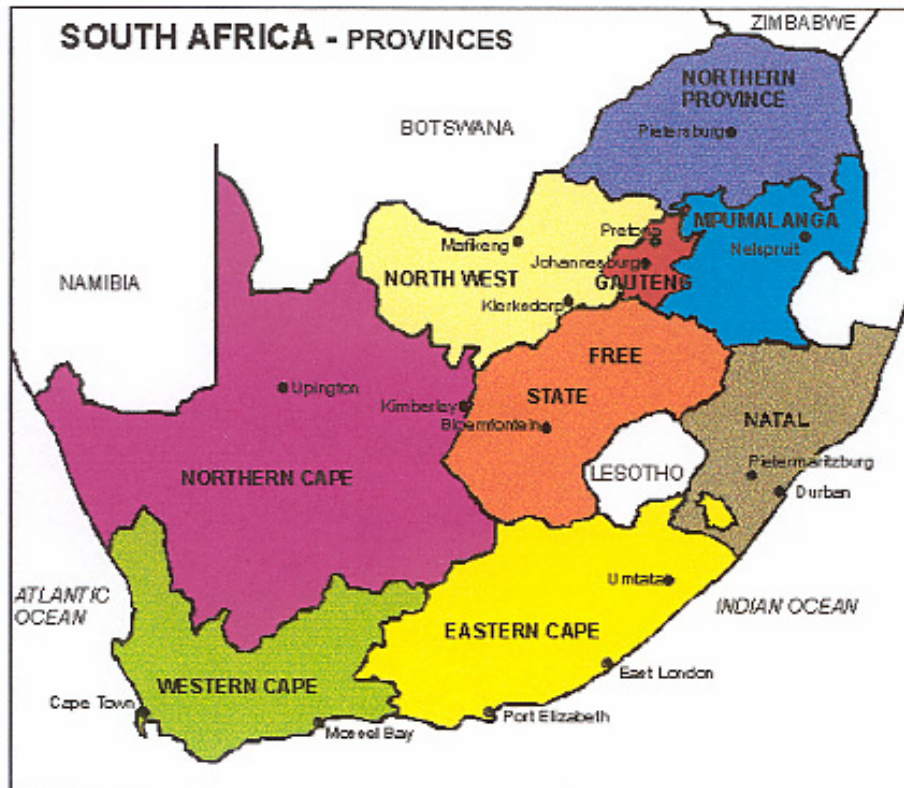
South Africa's political situation changed with a new constitution, the Constitution of the Republic of South Africa, 1996. The constitution entered into effect on February 3, 1997, and was implemented in phases. Changes occurred in the legislative branch, concomitant with the divisions, and they renamed the provinces.<sup>5</sup> There were four provinces: Cape Province, Transvaal, Orange Free State, and Natal. Before the new constitution, there was an interim constitution, the Constitution of the Republic of South Africa Act 200 of 1993, on April 27, 1994, which changed South Africa's provinces. The interim constitution, Chapter 9, Section 124, divided the four provinces into nine provinces with new names. Cape Province was divided into East Cape, Northern Cape, and Western Cape. Transvaal was divided into Eastern Transvaal, Northern Transvaal, North-West, and Pretoria-Witwatersrand-Vereeniging (PWV). Natal changed its name to KwaZulu/Natal, but the Orange Free State did not change.<sup>6</sup> (Figure 2.1) The new constitution, Chapter 6, Section 103, changed the interim province names. Eastern Transvaal changed to Mpumalanga; Northern Transvaal changed to Northern Province; Pretoria-Witwatersrand-Vereeniging changed to Gauteng; and Orange Free State changed to Free State.<sup>7</sup> (Figure 2.2) (Figure 2.3) Bill 33 of

2002 changed Northern Province to Limpopo and the Parliament changed many Northern Province old names to Limpopo Province new names.<sup>8</sup> (Appendix I)



**Figure 2.1: South Africa-Provinces:**

<gopher://gopher.anc.org.za/g9/anc/graphics/samapo> Sept. 27, 2001.



**Figure 2.2: South Africa-Provinces:**

<gopher://gopher.anc.org.za/g9/anc/graphics/samap> Sept. 27, 2001.





**Figure 2.3: Today's South Africa (2001).**

<<http://www.city.net/img/tra/mag/map/afsni.gif>> March 17, 1999.



## **STRATEGIC MINERALS**

Strategic minerals are commercially defined minerals. The commercial definition of a mineral as used in this research is a material that is primarily composed of naturally occurring earth products. The strategic minerals from South Africa were certified on December 22, 1989, by the Acting Secretary of State for the United States, Lawrence Eagleburger, as being “essential for the economy or defense of the United States and...unavailable from reliable and secure suppliers.”<sup>9</sup> The minerals were andalusite, antimony, chromium, cobalt, manganese, platinum group metals, pyrophyllite-wonderstone, rutile, vanadium, and zircon plus baddeleyite and other zirconium bearing materials. Additionally, the value added products of ferrochromium, ferromanganese, ferrosilicon manganese, ferrovandium, and titanium-bearing slag were included in Sec. Eagleburger’s certified list. South Africa has mined commercial strategic minerals for years, and there are viable strategic mineral mining operations and projects in the country. (Appendices II-XI)

There are market factors which impact the production of strategic minerals. Buyer and seller confidence are such factors. Buyers are concerned about supply and sellers are concerned about the government and the impact of the government’s policies on profits.

Investments are very important in the supply of minerals and especially on the supply of strategic minerals. The United States Geological Survey estimated \$10 billion investments in mineral related operations from 2000 to 2007 and many investments are in strategic mineral related operations. (Table 2.1) These

investments are signs of buyers' and sellers' confidence on South Africa's mining and mineral industries.<sup>10</sup> More than \$5 billion of investments were committed in mineral related operations by 2003, and 47 per cent of the committed investment were in platinum projects.<sup>11</sup> (Appendix XII)

**Table 2.1: Non-Platinum Group Metals Strategic Mineral Related Operation Investments**

<b>Mineral</b>	<b>Project</b>	<b>Province</b>	<b>Holding Company</b>	<b>Cost (million)</b>
Chromium <sup>a,b</sup>	Dwarsriver open chrome-mining complex with 54 megavoltampere furnace and palletizing plant	Mpumalaga	Avmin <sup>c</sup>	\$173
Chromium <sup>a,b</sup>	Dwarsriver open pit chrome mine	Mpumalaga	Assmang <sup>c</sup>	\$30
Chromium <sup>a</sup>	Horizon/Boshoek works-Mine and ferrochrome operations	North West	South African Chrome and Alloys	\$61.38
Chromium <sup>a</sup>	Machadodorp-Ferrochrome expansion	Mpumalanga	Assmang <sup>c</sup>	\$35.41
Chromium <sup>b</sup>	Townland chromite ore deposit		Xstrata <sup>d</sup>	\$28
Manganese <sup>a</sup>	Kalahari Mine-Silica manganese smelter	Northern Cape	Assmang/Mduma Holdings	\$17
Manganese <sup>a,b</sup>	Nchwanaing III Mine-New shaft development	Northern Cape	Assmang <sup>c</sup>	\$75
Titanium <sup>a</sup>	Richard Bay Minerals-Additional	KwaZulu/Natal	Richard Bay Minerals/Rio Tinto	\$84.99

	titanium dioxide slag plant			
Titanium and zirconium <sup>b</sup>	Heavy Minerals project (Hillendale- concentrator; Empangeni- mineral separation plant and smelter)	KwaZulu/Natal	Ticor <sup>e</sup>	\$275
Vanadium <sup>a,b</sup>	Rhovan- Ferrovanadium facility	North West	Xstrata <sup>d</sup>	\$1.32

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, Annual Report R39-2002  
<[http://www.dme.gov.za/publications/pdf/annual\\_reports/R39-2002.pdf](http://www.dme.gov.za/publications/pdf/annual_reports/R39-2002.pdf)> Feb. 12, 2003.

<sup>b</sup>George J. Coakley, "The Mineral Industry of South Africa," 2000  
<<http://minerals.usgs.gov/minerals/pubs/country/2000/sfmyb00.pdf>> Feb. 11, 2003.

<sup>c</sup>Associated Manganese Mines of South Africa (Assmang) [a subsidiary of Anglovaal Mining Ltd. (Avmin)].

<sup>d</sup>Xstrata AG of Switzerland.

<sup>e</sup>Ticor Ltd. of Australia.

## **SOUTH AFRICA'S RELATIONSHIP WITH THE MINING HOUSES**

"The State's involvement in the mineral industry is of a complementary and supportive nature..."<sup>12</sup> The government has relations with the Chamber of Mines of South Africa (Chamber) which is an organization of mining companies that "promote their interest in the South African mining industry."<sup>13</sup> Most South African minerals are mined by Chamber members and most South African mining employees work for Chamber members.

The Chamber was founded in the late 1880's in Johannesburg "...to disseminate authoritative statistical information about the Transvaal gold fields and to validate prospectuses."<sup>13</sup>

The Chamber evolved with the political environment and was a bridge for its members to the government. The Chamber changed its management and its Executive Council. On March 1, 1998, Mr. Mzolisi (Zoli) Diliza was appointed by the Chamber to be Chief Executive.<sup>14</sup> In 2000, the management included Diliza as Chief Executive, and Mr. John Kilani as Environment Adviser. In 2000, Diliza, Mr. Patrice Motsepe, and Mr. Wiseman Hkhulu were in the Executive Council.<sup>15</sup>

The government works with individual owners, small miners, and the mining houses. The mining houses are large companies with many operational mines; however, some mining houses have other non-mining businesses.

For a century, the mining finance house dominated the private South African economy. These firms, formed to exploit the Johannesburg gold deposits, ultimately financed the entire gold mining industry in the country, ingested the diamond industry, pioneered coal and platinum mining, and funded South Africa's manufacturing base from the mid-century on. The houses were central to the development of South Africa's capital and money markets, and at times owned important stakes in South Africa's largest banks...

The shape of the mining houses structure reflects the industry's fundamentals during its first decades: massive capital demands driven by deep-level mining; vulnerability to rising labour costs; and the need for scarce skills. During the various bursts of development of South Africa's geological bases--Johannesburg, the East Rand, Klerksdorp, the far East Rand, the Free State, Carltonville--the effective and rapid mobilization of capital and skills was critical. The mining house was designed for that purpose. The industry structure that eventually emerged was also used to increase the supply of labour as a means of managing labour costs.<sup>16</sup>

Until the 1990's, the view about mining houses was:

In a way these corporations resemble investment banks: they finance and float new enterprises.

The mining houses maintain [their] own management, accounting, engineering, technical, and legal staffs, generally including men of higher competence than any individual mine could afford to pay....The mining house purchases supplies for the entire group. It supervises all companies in its group in all large matters of finance, technology, and capital expenditure; acts as head office, secretary, consulting engineer, and technical adviser, handles stock registration, stock transfers, land transactions, taxation matters, mining claims, licenses, research, and cost accounting.<sup>17</sup>

The South African government molded policies to benefit the mining houses and those policies were the web of the interrelationships between the mining house and the government.<sup>17</sup>

“The mining houses had become huge and top heavy, with little ability to adapt and change,”<sup>18</sup> but the houses did change. The mining houses focused on costs and changed the way they operated their companies. The government climate was good for the modifications of the houses. The government did not embark on laws that would hurt the modifications by the houses.

The houses were focused on their existing operations. The houses were “right-sizing business (this includes refraining from mining unprofitable ore).”<sup>16</sup> They changed their views on labor and the government had laws that would promote employees and the industries. The houses started employee incentives and worked on education with the government. The houses were trimmed with geographic mergers, and companies merged contiguous properties.<sup>16</sup> The mining houses were outsourcing non-core business, administration, and services.<sup>16,19</sup>

The government did not impede mergers which were the main corporate restructurings of the mining houses in the 1990's.<sup>20,21</sup> The houses wanted to:

Achieve corporate cost savings.

Reduce cost of capital. This is achieved by corporate actions that reduce real or perceived risks.

Promote rational market conduct.

Build on distinctive capabilities.<sup>16</sup>

The mining houses altered their superstructure in the 1990's. They were unbundling the diversity of their investments and changed the old structures to holding companies. They down-sized their portfolios.<sup>16,17,18,20,21,22,23</sup>

The mining houses' viewpoint was that they would be lean corporations. The houses closed shafts when the mines were not profitable and some shafts were sold to small miners. Small miners opened and operated the shafts for profit.<sup>16</sup>

Outsourcing functions to small companies and the selling of shafts to small miners were influenced by the advancement of small companies and small miners. They were known as "junior" mining companies.

The spurt of the juniors was caused by the mining houses restructuring, new technologies, and the government. Junior miners were mining small coal reserves, and mining marginal deep-level shafts.<sup>16</sup>

The government supported the juniors and the political environment was good for juniors that are owned by black South Africans.<sup>24,25</sup> The government has a vision of black economic empowerment in the nation's economy. The President

of South Africa, Mr. Thabo Mbeki, addressed the 110<sup>th</sup> Annual General Meeting of the Chamber on November 7, 2000:

...As an industry, we must continue to create the space for new mining entrepreneurs to emerge, in part to deracialise ownership and to encourage the development of small and medium mining ventures...Our government is determined to work with everybody in the mining industry in a spirit of co-operation, to ensure that everybody, both inside and outside our country, benefits from a vibrant South African and African mining industry....<sup>26</sup>

#### **DEPARTMENT OF MINERALS AND ENERGY**

The Department of Minerals and Energy is the component of the government that establishes and implements the government's mineral and energy policies.

Our Mission is to provide services for effectual governance of the minerals and energy industries of economic growth and development thereby improving the quality of life of the people of South Africa.<sup>27</sup>

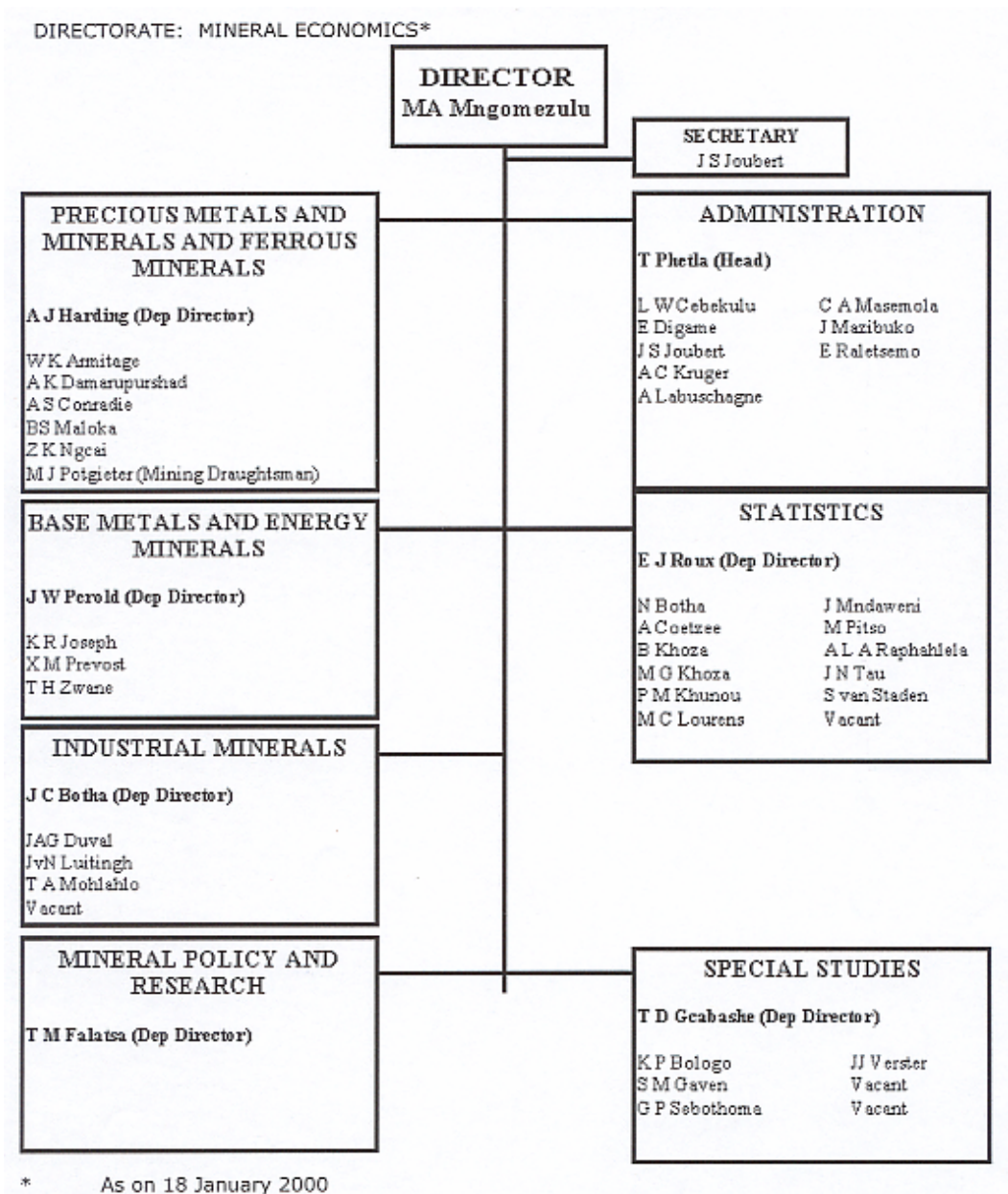
The Department's slogan is: "Minerals and Energy for Development and Prosperity."

The Department is headed by the Ministry of Minerals and Energy. The Ministry transmits the government's mineral and energy policies and the minister and the deputy minister are political positions.

The Department has several branches and one branch, the Mineral Development Branch, effects strategic mineral's supply. The mission of the Mineral Development Branch is "to promote the orderly and continuous mining and utilization of mineral resources."<sup>28</sup> This branch has main offices, regional offices for the provinces, and the Mineral Economics Directorate (MED). The Mineral Economics Directorate was formerly known as the Minerals Bureau.

The MED-Minerals Bureau analyzes mineral data, both inside and outside of South Africa and has the task to appraise mineral intelligence, international and world development in mineral economics.<sup>12</sup> MED's structure has offices for minerals, policy, statistics, administration, and special studies. (Figure 2.4) The MED-Minerals Bureau disseminates its data via publications for the government and private sectors.





**Figure 2.4: Mineral Economics Directorate-Minerals Bureau Structure.**

“Department of Minerals and Energy; Part Three: General Information,” South Africa’s Mineral Industry: 1998/1999, eds. I. Goldberg, and others, 16<sup>th</sup> ed. (Pretoria, Gauteng, South Africa: Mineral Economics Directorate (Mineral Bureau), Dept. of Minerals and Energy, Jan. 2000).  
[http://www.dme.gov.za/minerals/part\\_three.htm](http://www.dme.gov.za/minerals/part_three.htm) April 22, 2001.

The Department of Minerals and Energy collaborates with parastatal organizations and associated institutions. Some parastatal organizations are known as associated institutions. (Table 2.2) (Table 2.3) Mintek is an associated institution with non-government tasks.

**Table 2.2: Parastatal Organizations<sup>a</sup>**

Council for Geoscience (CGS)

Council for Science and Industrial Research (CSIR)

CSIR-Mining Technology (Miningtek)

Eskom

Industrial Development Corporation of SA Ltd (IDC)

Mintek

Soekor

South African Diamond Board (SADB)

South African Nuclear Energy Corporation (SANEC)  
(Formerly known as the Atomic Energy Corporation [AEC])<sup>b</sup>

<sup>a</sup>“Parastatal Organisations; Part Three: General Information,” South Africa’s Mineral Industry: 1998/1999, eds. I. Goldberg, and others, 16<sup>th</sup> ed. (Pretoria, Gauteng, South Africa: Mineral Economics Directorate (Mineral Bureau), Dept. of Minerals and Energy, Jan. 2000). <[http://www.dme.gov.za/minerals/part\\_three.htm](http://www.dme.gov.za/minerals/part_three.htm)> April 22, 2001.

<sup>b</sup>South African Nuclear Energy Corporation <<http://www.aec.co.za/>> Feb. 24, 2001.

**Table 2.3: Associated Institutions<sup>a</sup>**

Central Energy Fund (CEF)

Council for Geoscience (CGS)

Mintek

Mossgas

National Electricity Regulator (NER)

National Nuclear Regulator (NNR)

South African Diamond Board (SADB)

South African Nuclear Energy Corporation (SANEC)  
(Formerly known as the Atomic Energy Corporation [AEC])<sup>b</sup>

Strategic Fuel Fund (SFF)<sup>c</sup>

<sup>a</sup>Republic of South Africa, Department of Minerals and Energy, “Associated Institutions,”  
Department of Minerals and Energy: Structure  
<<http://www.dme.gov.za/structure/associations.htm>> April 24, 2001.

<sup>b</sup>South African Nuclear Energy Corporation <<http://www.aec.co.za/>> Feb. 24, 2001.

<sup>c</sup>“Strategic Fuel Fund Association,” An MBendi Profile: Strategic Fuel Fund Association  
<<http://www.mbendi.co.za/cef/sff/index.htm>> May 2, 2001.

## **MINTEK**

Mintek is the Council for Mineral Technology and “Mintek’s aim is to enable the minerals industry to operate more effectively, by developing and making available the most appropriate and cost-effective technology.”<sup>29</sup> Mintek started as the Mineral Research Laboratory at the University of the Witwatersrand in 1934. The government helped the Laboratory and changed the name to the Government Metallurgical Laboratory in 1944. The government had a 1966 act

which changed the Laboratory to a parastatal institution, the National Institute for Metallurgy, and the name changed in 1981 to the present one: Council for Mineral Technology, Mintek.<sup>30</sup>

Mintek's funding is from government and industry. Mintek is a parastatal institution organized as a business within the politics of South Africa and the imperative of research and development (R&D) in the mineral industry. Mintek's budget was mostly from the government before 1999, but after 2000, more than half of the budget is from non-state income.<sup>31</sup>

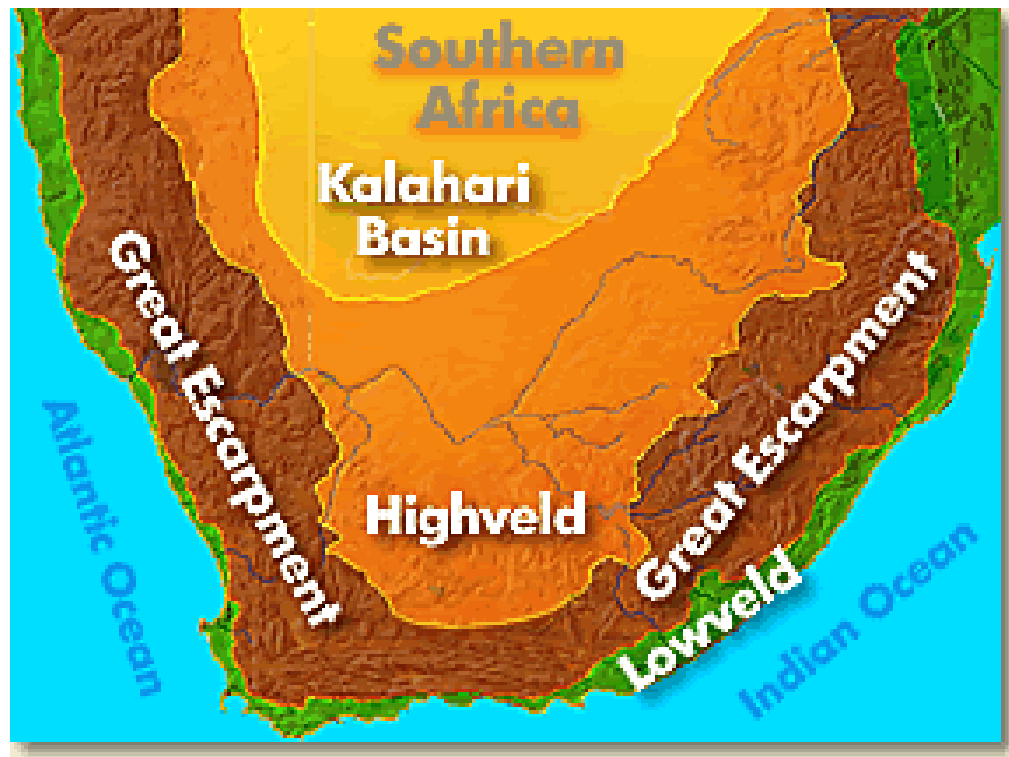
R&D at Mintek is from research on minerals to the development of the exploitation of ores to end products. Some examples of Mintek's R&D are the carbon-in-pulp (CIP) process to recover gold, and DC arc smelting of ferro-alloys and ilmenite.<sup>32</sup>

## **LAND POLICIES**

Land policies have two main components, possession and the utilization of the land.

South Africa's history is of people who want land. There is the evidence of hominids of 3,000,000 years ago in South Africa at Makapansgat and modern Homo sapiens evidence of 100,000 years ago in Border Cave at the Klasies River Mouth.<sup>33</sup> The modern Homo sapiens were the ancestors of the Khoekhoe and the San. They were hunter-gatherers and the Khoekhoe and the San were pastoralist, herding sheep and then cattle around 2000 years ago. The Khoekhoe lived in the Western and Eastern Cape Provinces and the San lived in the Northern Cape Province. Around 2000 years ago, Bantu-speaking agro-pastoralists migrated to

the highveld, interior plateau (Figure 2.5), and land was imperative to the lives of the highvelders, the Khoekhoe, and the San.



**Figure 2.5: Southern Africa.**

“The Geological Profile of South Africa,” [South Africa Online Travel Guide](http://www.southafrica-travel.net/pages/e_geolog.htm)  
<[http://www.southafrica-travel.net/pages/e\\_geolog.htm](http://www.southafrica-travel.net/pages/e_geolog.htm)> May 21, 2001.

Europeans visited South African coasts in the 1500's as their commerce expanded along the sea routes to India. They met the Khoekhoe and the San and named them Hottentots and Bushmen. The Dutch East India Company stationed a post in 1652 at Table Bay (Cape Town) to provide provisions for ships on the Indian sea routes. Commerce brought the migration of Europeans to the Cape Town area and the first South African European policy was established in 1657.

The Dutch East India Company allotted farms to Europeans in the Cape Town area.<sup>34</sup>

Many South African groups migrated to establish their government in a new land and there are two examples, the Mfecane and the Great Trek. These examples were events in the 1800's.

The Mfecane was the period of the expansion of the Zulu Empire. The Mfecane is a Zulu word of "crushing" and the Sotho word of the period is difaqane. Zulu lands began in a part of KwaZulu-Natal. The Mfecane started in 1818 headed by the Zulu military leader, Shaka. This period lasted about 10 years and the Zulu Empire included the highveld, KwaZulu-Natal, and Free State. This empire included many non-Zulu groups, but many tribes migrated outside the Empire.<sup>35</sup>

The Great Trek was similar to the migrations in the Mfecane, people were leaving an empire. In the early 1700's, there were many European independent and mobile farmers, the trekboers. They were pastoralists and hunters with farms to the hinterland from Cape Town. Most trekboers were Dutch descendants and they struggled with Dutch and French Huguenot colonists, and the Dutch East India Company. Many trekboers moved to the Eastern Cape in the 1700's to be free from Dutch authorities.

The British permanently occupied the Cape in 1806 and British law ruled in its colonies. British authorities established their government in a new land. The Afrikaners disliked British laws and the trekboers left British colonies. The exodus is known as the Great Trek.

The Great Trek took about a decade from the mid-1830's to the mid-1840's, and about 10,000 to 20,000 Boers migrated in the Great Trek. The Trek started at the Eastern Cape coast and moved to the highveld to the north. Boers settled as far as north of the Limpopo River and fanned to the west to North West and the east to KwaZulu-Natal.<sup>34,36,37</sup>

The Boers possessed their new land with independence from non-Boer authorities. They established Afrikaner laws in an Afrikaner government in Afrikaner states. Their states were the Orange Free State, and the South African Republic (Transvaal). The Afrikaners kept their land with wars and diplomacy in the new Union of South Africa.

The new Union of South Africa government launched land laws and the laws were for Europeans to utilize the land.<sup>38</sup> The Natives Land Act of 1913 and the Native Trust and Land Act of 1936 were the principal land laws before 1948 for black South Africans. The Act of 1913 authorized about 10.5 million morgen land (around 9 million hectares) for Native Reserves and the 1936 Act added 7.25 million morgen land (around 6.2 million hectares) to the Reserves.<sup>39</sup>

There were other land laws and the Group Areas Act was a dominant land law after 1950. Land utilization was a reason for the 1913 and 1936 Acts and the Group Areas Act embellished the Acts. The Group Areas Act changed land laws from land utilization to social engineering.

The Group Areas Act and other laws had socio-spatial parts in the government's social engineering.<sup>40,41,42</sup> It was passed in 1950 and South Africa's Prime Minister, Dr. D. F. Malan, said the Groups Areas Act was the "essence of

apartheid.”<sup>43</sup> The 1913 and 1936 Acts, the Group Areas Act, and other laws codified social engineering, which was disliked by the majority of South Africans.

There were pressures from inside and outside South Africa on the social engineering. In 1991, the government repealed the social engineering laws, and South Africa’s president, F. W. de Klerk, said of the repealed laws, “There is neither time nor room for turning back...There is only one road-ahead,” for the New South Africa.<sup>44</sup> The 1913 and 1936 Acts, and the Group Areas Act were repealed on February 1, 1991.<sup>45</sup>

## **LAND REFORMS**

The government changed when the African National Congress (ANC) party won the national April 1994, election. The ANC terminated the government’s social engineering, but the government insisted on social economics. The government launched a national socio-economic program, the Reconstruction and Development Programme (RDP), in 1994. “The RDP is an integrated, coherent socio-economic policy framework,”<sup>46</sup> and it looked at “our society--economic, social, political, moral, cultural, environment--South Africans are confronted by serious problems.”<sup>47</sup>

“Land is the most basic need”<sup>48</sup> and the government initiated land reforms in the RDP:

The abolition of the Land Acts cannot redress inequities in land distribution. Only a tiny minority of black people can afford land on the free market....The land reform programme has two aspects: redistribution of residential and productive land to those who need it but cannot afford it, and restitution for those who lost land because of apartheid laws.<sup>48</sup>



The government embarked on land reform policies in April 1997, in the White Paper on South African Land Policy. The Land Policy had the same objectives, land restitution, land redistribution, and land tenure reform, in the RDP. The Government's land reform program has major elements:

[Land] Redistribution aims to provide the disadvantaged and the poor with access to land for residential and productive purposes....

Land Restitution covers cases of forced removals which took place after 1913....

Land tenure reform is being addressed through a review of present land policy, administration and legislation to improve the tenure security of all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure.<sup>49</sup>

The government's Department of Land Affairs implements land reforms and the government's land reform has to redistribute 30 per cent of South Africa's farm land by 2014. However, only 0.81 per cent of the land had been transferred by the end of 2000. The restitution program has 65,000 claims in the courts and the settlements are slow.<sup>50</sup>

## **OWNERSHIP OF MINERAL RIGHTS**

The April 1997, White Paper on South African Land Policy states:

Our land is a precious resource....It contains our mineral wealth and is an essential resource for investment in our country's economy. Land does not only form the basis of our wealth, but also our security, pride and history.<sup>49</sup>

But the land reform policies do not include mineral rights.

The RDP states:

The minerals in the ground belong to all South Africans, including future generations....We must seek the return of private mineral rights to the

democratic government, in line with the rest of the world....Our principal objective is to transform mining and mineral-processing industries to serve all of our people. We can achieve this goal through a variety of government interventions, incentives and disincentives...<sup>51</sup>

The ANC government looked at the mineral rights in many countries and most countries' mineral rights are owned by the state. The South African government looked at Australian and Canadian laws. Both countries and South Africa have similar histories, resources, and the countries have diverse ethnics. Australia and Canada do not have individual mineral rights. The minerals are the property of the state and the provinces implement state law.<sup>52</sup>

The South African government struggled with a new mineral policy for the "New South Africa," after the 1994 election. The government established the Mineral Policy Process Steering Committee in September 1995, and the Committee's members were from government, labor, and business. The Committee received written submissions, had bilateral meetings, and public workshops on a new mineral policy. The Committee's work culminated with the published Green Paper: Mineral Policy of South Africa on February 3, 1998.

The Green Paper has six main themes:

Business Climate and Mineral Development, which looks at the continuation of policy conducive to investment and includes a section on Mineral Rights and Prospecting Information which proposes changes to the system of access to, and mobility of mineral rights;

Participation in Ownership and Management, which examines racial and other imbalances in the industry;

People Issues, which looks at health and safety, housing needs, migrant labour, industrial relations and downscaling;

Environmental Management;

Regional co-operation, and

Governance.<sup>53</sup>

The Green Paper proposed a policy on the ownership of mineral rights. “Government will promote minerals development by applying the ‘use it or lose it’ principle”<sup>54</sup> to free hoarded reserves for new miners.

After the February 3, 1998, Green Paper, the government had input from groups, written submissions from individuals, and public hearings on the government’s evolving mineral policy. Finally, the government published the government’s mineral policy, White Paper: A Minerals and Mining Policy for South Africa, in October 1998.<sup>55</sup>

The White Paper had the same themes as in the Green Paper:

Business Climate and Mineral Development;

Participation in Ownership and Management;

People Issues;

Environmental Management;

Regional Co-operation; and

Governance.<sup>55</sup>

The White Paper had amendments, clarifications, and modifications from the Green Paper.

The government modified and amended the “use it or lose it” principle in the section: Government Policy: Ownerships of mineral rights, in the White Paper, the “Government will promote minerals development by applying the ‘use-it or lose-it’/‘use-it and keep-it’ principle.”<sup>56</sup> The “use-it and keep-it” principle is

an authorized regulation saying the company that discovered the minerals prospected may develop the minerals in the prospected area.

The government's policy on the ownership of mineral rights stated in the White Paper:

Government's long-term objective is for all mineral rights to vest in the State for the benefit of and on behalf of all the people of South Africa....

Government will develop a detailed legislative proposals for the introduction of the new system of access to all mineral rights....

...guaranteeing the continuation of current prospecting and mining operations in accordance with the "use-it and keep-it" principle;....

a general notification to allow holders of prospecting, mining and mineral rights...licences for prospecting and mining should not be granted to another party in accordance with the "use-it and keep-it" principle....<sup>56</sup>

Mr. Penuell Maduna, Minister of Minerals and Energy (1998), stated the reasons why the government's long-term objective is to vest mineral rights in the State:

The historical exclusion of the black majority from land ownership automatically translated into the harsh reality that the two-thirds of private ownership of mineral rights where exploration and mining are taking place...rests mainly in the hands of the white minority-with some exceptions, of course, with regard to tribal land.

This is politically, socially and economically unacceptable to us as a government.

We need a clear 20-year period to steer this whole big elephant in the right direction.<sup>57</sup>

Next, the government metamorphosed policy to law in the parliament. In June 1999, South Africa had national elections that changed the administration of the executive branch of the government. President Nelson Mandela retired and

Deputy President Thabo Mbeki succeeded President Mandela on June 16, 1999. The new president appointed Ms. Phumzile Mlambo-Ngcuka as the new Minister of Minerals and Energy.

The parliament has struggled with the problems of formulating policy into a law. The Chamber provided information on a mineral bill<sup>58</sup> and the media stated that the legislation was helping industry in the law.<sup>59</sup> President Mbeki at the Chamber's November 2000 annual general meeting said, "We must deal with the issue of mineral rights once and for all," and he said the new law would "not impact negatively on current mining, planned investment, property rights and the rule of law."<sup>60</sup> The parliament had debates on the mineral legislation. For example, the Minister of Minerals of Energy, Mlambo-Ngcuka, said, "I prefer the expression use it and keep it, but all issues will be discussed with the industry and I am sure we will find a compromise."<sup>61</sup>

On December 18, 2000, the new mineral bill, Mineral Development Draft Bill, was published in the South African Government Gazette. The Bill:

To give effect to the principle that mineral resources are the common heritage of all South Africans for the recognition of the State as the custodian of the nation's mineral resources; provide for a legislative framework within which the nation's mineral wealth can be developed to its fullest potential; to promote economic through the development of mineral resources within a framework of sustainable development, co-operative governance and national environment policy, to regulate orderly prospecting for and mining of mineral resources, to regulate the possession, trade in and processing of diamonds, to provide for the exploration and production of petroleum and to provide for matters connected therewith.<sup>62</sup>

There are many views of the Bill, from those who think the Bill will help South Africa to those who think it will hurt mining and South Africa.

[T]he publication of what may perhaps go down as one of the most significant pieces of legislation of our new democracy....<sup>63</sup>

As the Bill stands, and it shows little evidence of compromise with mine owners as should be expected after six years of negotiation, SA is setting its competitive clock back 10 years.<sup>64</sup>

Ross Gradiner, the chief of research for Johannesburg's Standard Equities who is a mining analyst, said about the Bill, "The essence of it is, use it and keep it; don't use it and lose it."<sup>65</sup>

There was a debate in the media, the Chamber (Mr. Diliza, Chief Executive) vs. the government (Ms. Mlambo-Ngcuka, Minister of Minerals and Energy). Mlambo-Ngcuka indicates that the Bill would "create as little disruption as possible to the industry," and Mlambo-Ngcuka said that she was "not completely opposed to compensation. There will be more consultations because we seek partnership, not confrontation."<sup>66</sup> Diliza stated: "The mining industry wholeheartedly supports that call, as it has all government calls for economic growth. But it firmly believes that the Minerals Development Bill, as it now stands, has the potential to frustrate everyone's best intentions."<sup>67</sup>

The government received written comments on the Bill no later than March 31, 2001. The government received many written comments, and the Chamber submitted comprehensive written comments, Chamber of Mines of South Africa Memorandum to the Director-General: Minerals and Energy on the Draft Minerals Development Bill, on March 1, 2001.

Our comments are not intended to be more frequently negative than positive nor unduly critical; they are intended to be responsible and really constructive. We do not seek to attack the draft Bill nor mount a defence of the status quo. We have tried to be objective and alert to preconceptions that might affect our conclusions.<sup>68</sup>

The memorandum focused on expropriation, discretions, and the duration of mining rights.<sup>69</sup>

The debates continued in 2001 to 2002. Government's Department of Minerals and Energy and its minister, Phumzile Mlambo-Ngcuka, revised and renamed the Mineral Development Draft Bill the Mineral and Petroleum Resources Development Bill.<sup>70</sup> The bill was introduced by Mlambo-Ngcuka to the Parliament on June 25, 2002,<sup>71</sup> and on June 27, 2002, the Bill was passed.<sup>72</sup> South Africa's Bill 15D of 2002, the Mineral and Petroleum Resources Development Bill,<sup>73</sup> enacted when President Mbeki signed the bill in October 2002.<sup>74,75</sup>

The Bill is "To make provision for equitable access to and sustainable development of the nation's mineral and petroleum resources; and to provide for matters connected therewith."<sup>76</sup> The "Memorandum on the Objects of the Mineral and Petroleum Resources Development Bill, 2002," was added at the end of the Bill. The Memorandum stated:

The objects of the Bill are to-

- (a) recognise the internationally accepted right of the State to exercise sovereignty over all its mineral and petroleum resources;
- (b) give effect to the principle of the State's custodianship of the nation's minerals and petroleum resources;
- (c) promote equitable access to the nation's mineral and petroleum resources to all people of South Africa;
- (d) expand opportunities for historically disadvantaged persons to enter the minerals and mining industry and to benefit from the exploitation of the nation's mineral resources;

- (e) promote economic growth and development in the Republic;
- (f) promote employment and advance the social and economic welfare of all South Africans;
- (g) provide for security of tenure in respect of prospecting and mining operations;
- (h) give effect to section 24 of the Constitution by ensuring that the nation's mineral and petroleum resources are developed in an orderly and ecologically sustainable manner; and
- (i) ensure that holders of mining rights and exploration rights contribute towards the socio-economic development of the areas in which they are operating.<sup>76</sup>

Sections (a)-(f) concurred with government's policies, the RDP and the October 1998 White Paper. Section (g) demonstrated the government's concern for the security of mining operations. Section (h) states the Bill will invoke constitution law in mining operations and section (i) states the Bill will introduce socio-economic policies.

In June 2002, the government issued a new policy, "Proposed Broad-Based Socio-Economic Empowerment Charter for the South African Mining Industry."<sup>77</sup> This policy is known as the "Mining Charter" and with revisions the government released the new "Broad-Based Socio-Economic Empowerment Charter for the South African Mining Industry" with the signing of the Bill.<sup>74</sup> The focus of the Mining Charter is on human resources.

The objectives of this charter are to:

- Promote equitable access to the nation's mineral resources to all the people of South Africa;
- Substantially and meaningfully expand opportunities for HDSA's (Historically Disadvantaged South Africans) including women, to



enter the mining and minerals industry and to benefit from the exploitation of the nation's mineral resources;

- Utilise the existing skills base for the empowerment of HDSA's;
- Expand the skills base of HDSA's in order to serve the community;
- Promote employment and advance the social and economic welfare of mining communities and the major labor sending areas; and
- Promote beneficiation of South Africa's mineral commodities.<sup>78</sup>

The Mining Charter states: "All stakeholders undertake to create an enabling environment for the empowerment of HDSA's by subscribing to the following:

...The stakeholders aspire to a baseline of 40 percent HDSA participation in management within 5-years;...

...The stakeholders aspire to a baseline of 10 percent of women participation in the mining industry within 5-years;...<sup>78</sup>

The Mining Charter aimed at ownership and joint ventures. The first Mining Charter said, "Government and industry undertake to negotiate the transfer of ownership of at least 51% of mining industry assets to HDSA's within the next ten (10) years."<sup>77</sup> The final October 2002 Mining Charter changed:

Government and industry recognise that one of the means of effecting the entry of HDSA's into the mining industry....In order to increase participation and ownership by HDSA's in the mining industry, mining companies agree:

- To achieve 26% HDSA ownership of the mining industry assets in 10 years by each mining company....<sup>78</sup>

The government is trying to diversity South Africa's mining industries with laws and policies for the "New South Africa," but the government is facing

national deficiencies which can impair the country's mineral industries. Many skilled workers lost their confidence in post-apartheid South Africa<sup>79</sup> and many skilled workers emigrated to industrial countries.<sup>80</sup> Some one million skilled South African workers emigrated the country by 2002.<sup>81</sup> Southern African Migration Project's research in 2002 discovered that some 75 per cent of skilled workers living in South Africa had thought "some" or thought "a great deal" about emigration.<sup>82</sup> South Africa's mining and mineral industries need engineering and earth sciences<sup>83</sup> and many of these skilled workers have emigrated the country.

The loss of skilled workers is known as the "brain drain" and South Africa's brain drain is the greatest deficiency in South Africa's mineral supply. The government could help the mineral industries with contracting skilled workers. This might help in the near term, but post-apartheid South Africa's industries need long term programs.

Educational long term programs are the best way to help South Africa's mining and mineral industries. The government has education programs, but "[t]he current system is fragmented, non-responsive, inefficient, inequitable and produces poor quality qualifications."<sup>84</sup> Funding is a big problem in government's education programs because there are "declining state resources for H[igher] E[ducation]."<sup>84</sup> The government's priorities are on Reconstruction and Development Programme socio-economics and not on education for the mineral industries.

The state is trying to augment its resources with the Mineral and Petroleum Royalty Bill. This was presented by the Minister of Finance as the Money Bill to Parliament. This Bill is to tax the gross sales value of “extracted” minerals.

“Extracted” means any operation or activity for the purpose of winning any mineral resources on, in or under the earth, water or any residue deposit, whether by underground, open working, or otherwise and includes any operation or activity incidental...<sup>85</sup>

The Royalty/Money Bill tax will reduce the country’s mine values and investments,<sup>86</sup> (Appendix XIII) especial strategic mineral providers. Investors are concerned about the enactment of the Bill tax,<sup>87</sup> and many mining share values declined with the publication of the royalty tax rates.<sup>88</sup> (Table 2.4)

**Table 2.4: Selected Mining Company Shares Value with the Published of the Royalty Tax Rates<sup>a</sup>**

<b>Company</b>	<b>Shares Value</b>
Anglo American	(-7%)
Harmony	(-11%)
Anglo Platinum	(-13%)
Gold Fields	(-13%)
Impala Platinum	(-16%)
Durban Roodepoort Deep	(-22%)

<sup>a</sup>David McKay and Lesetsa Matshekga, “SA Miners Break Silence as Shares Tumble,” Mineweb, March 27, 2003 <<http://www.mips1.net/85256C400066C6FA42256CF600620EBE?Open>> May 6, 2003.

Merrill Lynch World Mining Investment Trust and other investors are concerned and Merrill's manager, Graham Birch, said:

We don't like royalties as a method of taxation as they raise fixed costs and thereby push mining operations up the cost curve, making them less competitive on an international basis. Furthermore, in our view the imposition on royalties is unfair, representing a transfer of wealth from the private sector to the state.<sup>89</sup>

Royalty tax rates are on the gross sales value of extracted minerals. The rates are from one to eight per cent, depending on the kind of mineral. Strategic mineral rates are from one to four per cent. (Appendix XIV)

The Mineral and Petroleum Royalty/Money Bill will hurt the country's mining. Investments and mineral trade will decline with the Bill. South Africa's economy is on trade and mineral resources trade is a main revenue for the government. World growth is slow presently (2002)<sup>90</sup> and South Africa's government's resources are declining for government's programs.

The government must implement policies and programs for South Africa's mining and industries for a strong country.

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### **Chapter 3: Influence of Politics in the Mining and Mineral Industries**

A distinction is made between politics and government. Politics is defined, in this research, as the activities conducted by interest groups, and reflecting their desires, to influence actions of the government. Government is defined as the organized institutions that implement state policies. Therefore, political parties are organizations that try to get their policies enacted and carried out by government.

#### **MAJOR POLITICAL PARTIES IN THE PARLIAMENT**

Political parties affect South Africa's mining and mineral industries. The Mineral and Petroleum Resources Bill was passed in the Parliament on June 27, 2002 and that is an example of how political parties affect law. The parties' histories impact their mining and mineral policies.

There are many South African parties and most are registered for the elections. Some parties preferred not to participate in the elections and they are unregistered. Many parties contested the 1994 elections and there were more parties in the 1999 elections. After the elections, the African National Congress (ANC) was the majority party in the Parliament and the ANC won most provinces' elections.

#### **African National Congress**

ANC's history is mirrored in its policies. South Africa's history has a myriad of conflicts between Europeans and black Africans. There were wars such

as the Zulu Wars and rebellions when African kingdoms and tribes were fighting for independence from European governments.

The ANC was established by Pixley Ka Izaka Seme with:

Chiefs of royal blood and gentlemen of our race, we have gathered here to consider and discuss a scheme which my colleagues and I have decided to place before you. We have discovered that in the land of their birth....we have no voice in the making of laws and no part in their administration. We have called you...so that we can together devise ways and means of forming our national union for the purpose of creating national unity and defending our rights and privileges.<sup>1</sup>

Pixley Ka Izaka Seme was a Zulu born on October 1, 1881, at the Inanada Mission Station in Natal (now KwaZulu-Natal).<sup>2</sup> He attended the Congregational Board Mission in Natal and then went to the Amanzimtoti Institution. (Later the Institution changed its name to the Adams Training School of Boys.) He was a herdboyc at a local farm to help pay his tuition at the Institution. Seme followed a cousin, John Dube, to America and entered the Mount Hermon School in north-western Massachusetts.

During his final year at Mount Hermon, people “saw the starting of Seme asserting his rights as an individual. His views on racial attitudes seemed to have crystallized from passive acceptance to an aggressive assertiveness.”<sup>3</sup> He graduated from the Mount Hermon School in April 1902, and entered Columbia University in New York City in September 1902. He was “a jaunty, talkative young man full of self-confidence,”<sup>3</sup> and he graduated from Columbia University in April 1906, with a Bachelor of Arts.

He moved to England and entered Jesus College, Oxford in September 1906, to study law. In June 1909, Seme gained a degree of Bachelor of Civil Law

and passed his first bar. In 1909, he met a South African delegation, European and blacks, to the British Parliament during the debates on the South Africa Act of 1909. The Union of South Africa was the conception of the British Parliament and the 1909 Act established the Union. The Act had discriminatory articles against blacks. The South African delegation pleaded against discriminatory articles in the proposed Act. The delegation talked to Seme in London about a national South African native congress in the new Union.

May 31, 1910, was the independence of the Union of South Africa from Britain and in 1910, Seme moved to the new Union to start a legal practice. “Seme had left as a quiet but ambitious herdboyer twelve years before and now returned as a sophisticated, highly qualified professional and a man of the world.”<sup>3</sup>

He was organizing a native organization with his legal practice in his first year on his return to South Africa. His article, “Native Union,” in the October 24, 1911, Imvo Zabantsundu:

I have been requested by several Natives, Leaders and Chiefs, to write a full and concise statement on the subject of the South African Native Congress....

There is to-day among all races and men a general desire for progress, and for co-operation, because co-operation will facilitate and secure that progress....The greatest success shall come when man shall have learned to cooperate, not only with his own kith and kin but with all people and with all life.

The South African Native Congress is the voice in the wilderness bidding all the dark races of this sub-continent to come together...in order to review the past and reject therein all those things which have retarded our progress...to talk and think loudly on our home problems and the solution of them.

...The demon of racialism, the aberrations...feud, the animosity that exists...and every other Native must be buried and forgotten; it has she among us sufficient blood! We are one people. These divisions, these jealousies are the cause of all our woes and of all our backwardness and ignorance to-day....

...The Natives everywhere now and to-day know that a South African Native Congress such as is proposed...will give them the only effective means whereby they will be able to make their grievances properly known and considered both the Government and by the people of South Africa at large. Through this Congress the Natives will have the opportunity and means with which to influence the public opinion of this country and to greatly assist the South African Statesmen who are working for the peace, prosperity, and the development of this land.<sup>4</sup>

The South African Native National Congress (SANNC) (now named the African National Congress [ANC]) was established in Bloemfontein, South Africa on January 8, 1912. John Langalibalele Dube was the first Congress President, and Solomon Plaatje was elected as the Secretary-General. Pixley Ka Izaka Seme was elected as the Treasurer-General.<sup>5</sup>

The Congress protested in South Africa and outside of South Africa on discriminatory laws in the Congress' first decade. The Congress had campaigns on the laws and supported protests of other organizations.<sup>5,6</sup> The Congress sent a delegation to Britain in 1914 on South Africa's Land Act of 1913 and another delegation was sent to ask the British Parliament to recognize native rights.<sup>6,7</sup> The British Parliament ignored the Congress' delegations.<sup>6</sup>

There were other organizations that influenced the ANC. In 1915, the International Socialist League (ISL) fled the South African Labour Party and the ISL was for equal rights for all South Africans. The ISL started the Industrial Workers of Africa (IWA) an industrial trade union in 1917. In January 1919, the

Industrial and Commercial Workers Union (ICU) started a black union.<sup>5</sup> Socialist organizations were trying to organize black workers in the twenties; and some socialist organizations and the ISL formed the Communist Party of South Africa on July 30, 1921.<sup>5,6</sup>

The Congress changed its name from the South African Native Congress to the African National Congress in 1923,<sup>5</sup> but the ANC was dormant in the 1920's.<sup>6</sup> The ANC elected a new president, J. T. Gumede, in 1927 who wanted to revitalize the ANC. He went to the Brussels' Anti-Imperialist Conference where he met people from colonial territories and he met anti-imperialist people from many countries. After the Conference, he went to the Soviet Union and was impressed with the life of Georgian peasants.<sup>5</sup> When Gumede returned from his trips, he wanted the ANC to work with the communists because he thought the communists would help the ANC.<sup>3,5,6</sup>

There was a strong anti-communism faction in the ANC administration and they voted out Gumede. Pixley Ka Izaka Seme was elected as president in 1930,<sup>3,6</sup> and Seme and the conservatives administered the ANC in the 1930's.

Alfred B. Xuma was elected as ANC's president in 1940<sup>8</sup> and he strengthened the ANC in the 1940's. Before Xuma's regime, most of the ANC's members were mature men and many were conservative. During Xuma's regime, the ANC recruited women and youth members. The ANC Women's League began in 1943 and the ANC Youth League started in 1944.<sup>5</sup> These groups invigorated the ANC and brought new members to the struggles.

The ANC Youth League's founding members included Nelson Mandela, Oliver Tambo, and Walter Sisulu.<sup>5</sup> These three people would become the main ANC leaders over a period of fifty years.

The ANC had campaigned against anti-black laws and supported the struggles of other organizations in the 1940's. On December 17, 1949, the ANC adopted a Programme of Action. The Programme stated:

...action whose function should be to carry into effect, vigorously and with the utmost determination, the Programme of Action....the boycotting of which we accept, and to undertake a campaign to educate our people on this issue and, in addition, to employ the following weapons: immediate and active boycott, strike, civil disobedience, non-co-operation and such other means as may bring about the accomplishment and realization of our aspirations....<sup>9</sup>

Also, the Programme had segments on economics, education, and culture.<sup>9</sup>

On June 26, 1952, the ANC launched the "Campaign of Defiance against Unjust Laws" (The Defiance Campaign) with the South African Indian Congress (SAIC).<sup>10</sup> The Defiance Campaign was a non-violent resistance against the new apartheid laws and all unjust laws. The Campaign used Mahatma Gandhi's Satyagraha<sup>11</sup> and the Defiance Campaign continued during the next year.<sup>10</sup>

Satyagraha is literally holding in to Truth and it means, therefore, Truth-force. Truth is soul or spirit. It is, therefore, known as soul force. It excludes the use of violence because man is not capable of knowing the absolute truth and, therefore, not competent to punish. The word was coined in South Africa to distinguish the non-violent resistance....It is not conceived as a weapon of the weak.<sup>12</sup>

The Defiance Campaign with Satyagraha was the principal event in the history of the ANC. Before the Defiance Campaign, there were about 7000 ANC members. During the Campaign, Satyagraha brought Indians, Europeans, and

coloreds<sup>6,11</sup> and over 10,000 “true-hearted volunteers from all walks of life without consideration of colour, race or creed.”<sup>13</sup> The South African Indian Congress (SAIC) members protested in the Defiance Campaign. SAIC was an organization where Indians could protest the unjust laws. The South African Coloured Peoples Organisation (SACPO) formed in September 1952, and in October 1952, Europeans in the Campaign formed the Congress of Democrats (COD). The Defiance Campaign began a mass movement and after the Defiance Campaign, there were more 100,000 ANC members.<sup>11</sup>

The Defiance Campaign was the incubator of the ANC’s new cadre and many were from the ANC Youth League. The cadre had individuals who could lead the masses and Chief Albert Lutuli and Nelson Mandela demonstrated the qualities of a mass leader in the Defiance Campaign. Mandela was the President of the ANC Youth League and the Volunteer-in-Chief of the Defiance Campaign.<sup>11</sup> In December 1952, Chief Lutuli was elected as the ANC’s president and Mandela was elected as the Deputy President.<sup>5</sup> Other Youth Leaguers were important in the ANC’s history. Walter Sisulu was the Secretary-General, 1949-1955, and Oliver Tambo was the Secretary-General, 1955-1958, and the President of the ANC, 1967-1991.<sup>8</sup>

The African National Congress, the South African Indian Congress, the South African Coloured People’s Organisation, and the Congress of Democrats initiated the Congress Alliance after the Defiance Campaign. The Alliance inaugurated a conference, the Congress of the People, on June 25-26, 1955 at



Kliptown, Johannesburg, South Africa. Over 3000 delegates were at the conference and they adopted The Freedom Charter on June 26, 1955.<sup>5</sup>

The Freedom Charter is a document that "...became the common programme enshrining the hopes and aspirations of all the progressive people of South Africa."<sup>14</sup> The Charter has a component on the country's wealth and a component on the land:

### **The People Shall Share in the Country's Wealth!**

The national wealth of our country, the heritage of South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the wellbeing of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

### **The Land Shall be Shared Among those Who Work It!**

Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.<sup>15</sup>

ANC policies expressed the philosophy of the 1955 Freedom Charter. The ANC amplified the Freedom Charter in the ANC Minerals Policy at the 1992 Ready to Govern Conference:

The mineral wealth beneath the soil is the national heritage of all South Africans, including future generations. As a diminishing resource it should be used with due regard to socio-economics needs and environmental conservation. The ANC will, in consultation with unions and employers, introduce a mining strategy which will involve the introduction of a new system of taxation, financing, mineral rights and leasing. The strategy will require the normalisation of miners' living and working conditions, with full trade union rights and an end to private security forces on the mines. In addition, the strategy will, where appropriate, involve public ownership and joint ventures.

Policies will be developed to integrate the mining industry with other sectors of the economy by encouraging mineral beneficiation and the creation of a world class mining and mineral processing capital goods industry.<sup>16</sup>

At the 1992, Ready to Govern Conference, the ANC developed mining and mineral policies:

The key policy themes are firstly that minerals in the ground are part of the nation's wealth, that workers and the nation should get their fair share of the wealth generated and that minerals mined are integrated into the rest of the economy through further processing (beneficiation) before export.

The ANC mineral policies were evolved at the February 1994, Reconstruction and Development Programme Conference with key themes:

Mineral Development

Mining Sector Governance

Human Resources Development.<sup>16</sup>

In April 1994, the ANC was the majority party in the government and the party wanted to implement its policies. But government must collaborate with other parties in government to ratify laws.

### **National Party/New National Party**

The Government of National Unity (GNU) was South Africa's transitional government from April 1994, to June 1999, with the ANC, the National Party (NP), and other parties. The GNU was a coalition government with National Party members in the Cabinet. Examples were Frederik W. de Klerk, National Party's president, was South Africa's Deputy President, and National Party's P. W. Botha was the Minister of Minerals and Energy. The ANC was the government's majority party, and the ANC had envisaged that the GNU would transfer power to ANC's constituents.<sup>17</sup>

The GNU was established in the Constitution of the Republic of South Africa Act 200 of 1993. The 1993 Constitution was an interim constitution: "To introduce a new Constitution for the Republic of South Africa and to provide for matters incidental thereto."<sup>18</sup> The preamble stated:

WHEREAS there is a need to create a new order in which all South Africans will be entitled to a common South African citizenship in a sovereign and democratic constitutional state in which there is equality between men and women and people of all races so that all citizens shall be able to enjoy and exercise their fundamental rights and freedoms;

AND WHEREAS in order to secure the achievement of this goal, elected representatives of all the people of South Africa should be mandated to adopt a new Constitution in accordance with a solemn pact recorded as Constitution Principles;

AND WHEREAS it is necessary for such purposes that provision should be made for the promotion of national unity and the restructuring and

continued governance of South Africa while an elected Constitution Assembly draws up a final Constitution;

NOW THEREFORE the following provisions are adopted as the Constitution of the Republic of South Africa...<sup>18</sup>

The 1993 Constitution saw: “The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.”<sup>18</sup> The Constitution of the Republic of South Africa Act 200 of 1993 was ratified by the government on September 23, 1993, and the National Party was the majority party in the government when the act was ratified.<sup>19</sup>

On May 9, 1996, the National Party withdrew from the GNU effective June 30, 1996 after two years in the coalition.<sup>20</sup>

Nelson Mandela was South Africa’s President and the president of the ANC. Mandela’s statement when the National Party’s withdrew from the GNU:

...the ANC welcomed the fact the NP and IFP (Inkatha Freedom Party) decided to take part in the Executive, especially in the early days of our delicate transition.

I wish to thank Deputy President FW de Klerk and his colleagues for the constructive role that they have played. I am confident that we shall continue to work together in pursuit of the country’s interest, and that their withdrawal will have the effect of strengthening, rather than weakening, their commitment to the country’s political, security and economic interests...<sup>21</sup>

Mandela’s statement:

...the leadership of the National Party has emphasized that their withdrawal is not an expression of lack of confidence in our multi-party democracy, the rules of which are contained in the constitution which we together adopted yesterday...<sup>21</sup>

De Klerk said, “The National Party had felt for some time that our influence within the government of national unity has been declining....It would be unnatural to continue in the (government of national unity) while everybody knows that the principles on which it rests have already been discarded in the new constitution.”<sup>20</sup> De Klerk and the National Party believed the GNU was not helping the party’s constituents.

The National Party was founded by General James Barry Munnik Hertzog in January 1914 at Bloemfontein, Orange Free State (now Free State). Most of his childhood was in Kimberley when Kimberley was a mining camp. In 1881, he went to Victoria College, Stellenbosch to become a minister, but he changed his mind and became a lawyer. Hertzog graduated from Victoria in 1889 and went to the University of Amsterdam. He graduated with a doctorate in law and next he practiced in Pretoria from 1893 to 1895. From 1895 to 1899, Hertzog became a judge in the Orange Free State’s Supreme Court.<sup>22</sup>

Judge Hertzog “rose to prominence as one of the most audacious generals of the O.F.S.” (Orange Free State).<sup>22</sup> Gen. Hertzog, Commandant Pieter Hendrik Kritzinger, and Boer soldiers invaded the British Cape Colony in December 1900. Gen. Hertzog and about 1200 Boer commandoes crossed the Orange River at Sanddrif near Philippolis on December 16, 1900. Hertzog and his commandoes raided military institutions from west Sanddrif to the western Cape Colony as far as Lamberts Bay.<sup>23</sup>

Afrikaner history and Afrikaner culture organized on South Africa’s nature and South African people. Part of the Great Trek in the 1830’s was to

establish a sanctuary for Afrikaner culture and the sanctuary began two Boer republics, the Orange Free State and the Transvaal. Diamonds were discovered at Kimberley in 1867 and in 1886, gold was discovered on the Witwatersrand. The rush was on and occurred during the European empire in Africa. “Boer independence was incompatible with imperialist ambitions in Africa. The overt cause was the status and rights of the uitlanders-the foreigners-in the Transvaal to whom Kruger steadfastly refused to give the franchise.”<sup>24</sup> Stephanus Johannes Paulus Kruger (1825-1904) was the Transvaal’s president from 1883 to 1900.<sup>25</sup> President Kruger said when the Witwatersrand gold fields were discovered, “Instead of rejoicing you would do better to weep for this gold will cause our country to be soaked in blood.”<sup>26</sup> He wanted to secure Afrikaner culture from the uitlanders and foreign cultures. President Kruger, Transvaal, and the Orange Free State declared war against the British Empire in 1899 and the war was known as the Anglo-Boer War.

Against the might of the greatest imperial power in the world the Boers could pit no formal military apparatus whatsoever. They had no regular standing army. Their forces consisted of some thousands of volunteers hastily rounded up, poorly organized and equipped, and lacking discipline. After a few initial successes, the main Boer forces were crushingly defeated by British troops within a few months of the outbreak of war. Thereafter the Boer remnants carried on activity as guerrillas under the leadership of Smuts, Botha, and Hertzog for a further two years....<sup>24</sup>

The Boers punished the British Empire army in the Anglo-Boer War in battle and in the guerrilla war with an Empire/Boer 3:1 kill ratio in battlefields. About 22,000 Britons and 6,000 Boers died in the Anglo-Boer War.<sup>24</sup>

The Empire started a scorched earth campaign against the Boer guerrillas. The scorched earth policy had two main goals, stop the guerrillas and stop the

war. The Empire army fired Boer homesteads and farms to stop supplies that were going to the guerrillas.<sup>24,27</sup> The scorched earth policy was trying to break Boer morale. There are fundamentals of Boer morale and they are land and family. The Empire destroyed farms and homesteads, and the Empire dispossessed family.<sup>28</sup>

During the war, many Boer families had adult males in the war, and adult women, children, and the elderly were at homesteads. The Empire army dispossessed the families from their homesteads to “refugee” camps from the scorched earth campaign, but at the end of the war, these refugee camps were designated as “concentration” camps.<sup>27</sup>

There were many concentration camps in South Africa and approximately 130,000 Boers were interned in these concentrations camps.<sup>27</sup> Most of the Boers in concentration camps were women, children, and the elderly.<sup>24,27</sup> Most adult men were soldiers and those captured were sent to prisoner of war (POW) camps. The POW camps were in the Cape Colony and in other British colonies, Bermuda, St. Helena, and Ceylon. Some 32,000 Boer soldiers were interned in the POW camps.<sup>24</sup>

The concentration camps’ environment was bad: unsuitable housing, inadequate food, inefficient sanitation, no medical attention, and mortality was high.<sup>27</sup> During the war, about 6000 Boers died in battle, but about 28,000 Boers died in concentration camps.<sup>27,28</sup>

The scorched earth policy with concentration camps compelled the Boers to stop fighting because, “[t]he terrible prospect...that the continuation of the war

would in this manner eradicate our whole generation.”<sup>27</sup> Generals Jan Christan Smuts, Louis Botha, and J. B. M. Hertzog were in the peace negotiations at the Peace of Vereeniging.<sup>22,24</sup>

Gen. Smuts in May 1902 gave a speech on the end of the war, “Perhaps it is God’s will to lead the people of South Africa through defeat and humiliation to a better future and a brighter day.”<sup>29</sup> The war “...left a deeper impression on the Afrikaner’s mind than perhaps any other event in their history, and seemed more than anything else to strengthen their determination to strive for national self-preservation and the recovery of political independence.”<sup>27</sup>

The political independence arrived with the South Africa Act of 1909. The Act established the Union of South Africa and South Africa’s independence day was May 31, 1910. After the war, Hertzog changed from soldier to politician with the new Union of South Africa.

The government’s first prime minister was Gen. Botha and the first cabinet consisted of Smuts, Hertzog, and others. The government’s majority party was the South African Party (S.A.P.) and the generals were members of the S.A.P. There were members who thought Afrikaner culture would be lost in the new Union, but many S.A.P. members were seeking cooperation between Afrikaner and British South African citizens.

It the first S.A.P. conference, “Het National Kongres,” at Bloemfontien, Gen. Botha’s chairman’s address stated that he was privileged “to preside over so many moderate men.”<sup>24</sup> Botha, Smuts, and “moderate men” were trying the



*samesmelting* (fusion) of the cultures, Afrikaner and British, into the new Union of South Africa.<sup>24</sup>

Gen. Hertzog thought *samesmelting* would be the destruction of Afrikaner nationhood. Hertzog had a “Two Streams Policy” where Afrikaner and British cultures would develop separately in the Union.

Hertzog and many Afrikaners thought the government did not benefit Afrikaner interests and they left the S.A.P. They formed a new party, the National Party, during their January 7-9, 1914, meeting at Bloemfontein; and the National Party’s constituents were Afrikaners and Afrikaans-speaking Europeans. They established some of the Party’s tenets during the conference: “the development of national life should be on Christian-National lines...” and “...‘the dominance of the European population in a spirit of Christian trusteeship, with the strictest avoidance of any attempt at race mixture’.”<sup>24</sup> A fundamental of the Party was the separation of races. The Party tried to separate between English and Afrikaans-speaking white South Africans and tried to separate between white and black South Africans.<sup>24</sup>

The National Party became the majority party in the 1924 election and Hertzog became the first National Party member to be Prime Minister. He was the Prime Minister for 15 years in a National Party/S.A.P. coalition government<sup>22,30</sup> and the National Party’s constitutions were in accord with the National Party and government policies.

There were world events in the 1930’s, the world’s Great Depression and National-Socialism, that impacted the National Party. The Great Depression

started with the American Stock Market Crash in 1929. The crash rippled to banks and when banks failed, this rippled to commerce in international trade which hurt South Africa's commerce, trade, and the country's economy. South Africa was in the Commonwealth and most of South Africa's trade was with Britain. The British economy declined with the Great Depression<sup>31</sup> and South African commerce declined with Britain.

The National Party saw South Africa as an isolated country in Afrikaner history, but the S.A.P. saw South Africa as a country in the industrial community. The world economy compelled the National Party and the S.A.P. to merge to a new party, the United Party, in 1934. The United Party had both South African views, South Africa would keep the international perception with an Afrikaner basis, and Hertzog continued as Prime Minister in the 1930's.

Many National Party members disliked the National Party/S.A.P. merger. Many National Party members thought the United Party would not help Afrikaners and they started a new party, the Purified National Party. Dr. Daniel Francois Malan was the founder and became the leader of the Purified National Party in 1934.<sup>32</sup>

In the late 1930's, there was a split in the United Party government. The government maintained relations with European industrial countries, Britain and Germany, but on September 3, 1939, Britain declared war against Germany. The South African government had a split among South Africans in the war. Gen. Smuts wanted to fight with Britain and Commonwealth countries, but Prime Minister Gen. Hertzog and Dr. Malan did not want South Africa in the war.

Smuts' faction in the House Assembly won the debate and South Africa declared war against Germany on September 6, 1939. Hertzog resigned as Prime Minister and Smuts became Prime Minister. Some two million European South Africans and some 120,000 black South Africans went to war.<sup>33</sup>

Gen. Hertzog, the founder of the National Party, retired to his farm and formed the National Party with Dr. Malan. Dr. Malan and the Purified National Party members joined the newly formed National Party. Gen. Hertzog died in 1942 and Dr. Malan became the leader of the National Party.<sup>33</sup>

The new National Party had the same constituents with the same tenets as the 1914 original National Party. It ran in the 1948 election on the slogan "apartheid" and it became the Assembly's majority party in the 1948 election. The National Party had an alliance with the Afrikaner Party in the Assembly and the Afrikaners and Afrikaans-speaking people were the majority in the government.<sup>30</sup> The National Party was the majority party in the government from the 1948 election to the 1994 election. During the National Party era, the government ratified laws to help the National Party's constituents.

The National Party perceived South Africa as a member in the Western industrial community and most South Africans perceived that South Africa's economy was tied inextricably with Western industrial countries. Western countries agreed with the National Party and South Africans perceived that South Africa was a Western industrial country. South Africa's economy is inextricably tied with Western industrial countries and most Western industrial countries and

other countries attacked many of the National Party's laws with boycotts and sanctions from 1948 to 1990.

There was a rift in the National Party on the laws. There were two factions, "*verkrampes en verligtes*," "conservatives" and "progressives."<sup>34</sup> The *verkrampes*' view was the National Party's and government laws were for internal South Africa. *Verkrampes* were isolationists and followed the 1914 tenets. The *verligtes*' view was that the National Party's and government laws were linked to the world community. *Verligtes* wanted to help South Africa as a full member in the world community.

The National Party was a conservative party under conservative leaderships of the National Party's Prime Ministers and Presidents, Malan (1948-1954), Johannes Gerhardus Strijdom (1954-1958), Hendrik Frensch Verwoerd (1958-1966), and Balthazar Johannes Voster (1966-1978). Pieter Willem Botha was a conservative Prime Minister (1978-1984) and then President (1984-1989), but he had progressive tendencies in the 1980's. President Botha retired from politics due to a stroke, and *verligtes* were gradually gaining power in the Party in the 1980's.

The South Africa media also continues to contemplate what the political views are of the man who appears to have emerged as crown prince, Mr. [Frederik Willem] De Klerk. In some quarters he is being characterized as a champion of the old guard, in others as a "closet *verligte*" (enlightened one).<sup>35</sup>

De Klerk won the September 6, 1989, election and was the president from 1989 to 1994.

The verligtes brought reforms to the party, the government and the country with the leadership of de Klerk. Verligtes and de Klerk had visions of a South Africa with democracy, with free trade, and they changed South Africa from a pariah to a full member in the world community.

The National Party repealed apartheid laws. They talked to all parties in South Africa and started meetings on a new constitution. The National Party was a major party in the transition government, Government of National Unity (GNU), but on May 9, 1996 the National Party withdrew from the GNU.

The National Party thought the GNU was not helping the party's constituents in the "New South Africa." The verligtes were trying to bring non-Afrikaners into the Party and the National Party changed a fundamental tenet, race. De Klerk said, "We will further consolidate our position as a party on values rather than ethnic affiliation. We will expand our support among all South Africans and particularly among black South Africans, and we will eventually become the largest party in South Africa."<sup>36</sup>

De Klerk and the verligtes reformed the National Party for the "New South Africa." De Klerk retired from politics in September 1997, and Marthinus van Schalkwyk was elected the leader of the National Party.<sup>37,38,39</sup> Next year, the National Party changed its name to the New National Party (NNP) in September 1998.<sup>39</sup> The NNP's vision was "a new society in which all South Africans believe they have a say, and to which there is a common loyalty and patriotism....inclusiveness in government, where responsibility is shared to make South Africa work."<sup>39</sup> Van Schalkwyk's message:

For the NNP it is time to take on new challenges. The political landscape is changing dramatically. Our challenge is to break down the old lines of division, and to ensure that white, coloured and Indian communities remain in the mainstream of South African politics. We cannot allow a situation where some communities are led into political isolation....<sup>40</sup>

At the March 1999, NNP congress, the party agreed on a campaign theme, “Let’s Get South Africa Working,” for the 1999 elections. Also, the delegates at the congress agreed on the NNP manifesto on crime, jobs, and education.<sup>41</sup>

The National Party had 82 seats in the 1994 Assembly, but after the 1999 election, the New National Party lost 54 seats with 28 seats in the 1999 Assembly.<sup>42</sup> Many of the NNP’s constituents left the Party, so the NNP consolidated its bases with a June 2000, alliance with the Democratic Party (DP).<sup>42,43</sup> The alliance founded the Democratic Alliance (DA), but on October 26, 2001, the NNP withdraw from that alliance. The NNP stated on its withdrawal from the alliance:

The DP/DA is on a road to nowhere, and isolates the interests of people who voted for it. The heart of the DA/DP is not in the New South Africa, and that party has become the right wing of South African politics. The NNP believes that constructive opposition rather than destructive fight back style opposition will ensure far greater results. We therefore decided to take the communities that we represent back to the political mainstream in the centre of South African politics. Our mandate from the voters was not to isolate their interests in a right-wing corner, but to engage the governing party in a constructive debate to ensure improved delivery for all the people.<sup>39</sup>

The NNP engaged the government with participatory government.

Participatory government means that the NNP will accept co-responsibility and take co-ownership of making a success of the country. We will constructively contribute to government at national, provincial and local level. We will stand in a similar relationship to the government

than the IFP, contributing to government with the opposition benches whilst maintaining the right to differ on merit.<sup>39</sup>

On November 27, 2001, the ANC and the NNP issued a joint statement “a framework agreement that enjoys the full support of both organisations and will form the basis of future political cooperation, including in government.”<sup>44</sup> Land reform is an example of NNP’s policies in participatory government. Van Schalkwyk’s stated:

...The burning issue of land reform in South Africa can be reduced to three basic problems-obtaining and distributing access to land for the previously disadvantaged; security of tenure; and establishing appropriate and sustainable use of land....The NNP believes that the most important contribution that any government can make to the process of land reform, is to create a climate in which people can use their property to generate income....<sup>45</sup>

### **Democratic Party**

The Democratic Party (DP) founded “a new parliamentary alliance committed to the abolition of the South African political system”<sup>46</sup> in Johannesburg on April 8, 1989.<sup>47</sup> The Democratic Party was founded because of the merger of three European liberal parties, the Progressive Federal Party (PFP), the National Democratic Movement (NDM), and the Independent Party (IP). The Progressive Federal Party was known as a liberal-to-moderate party, and the NDM and the IP were liberal parties.<sup>48</sup> The Progressive Federal Party was founded in 1959, and it was the oldest and largest of the parties in the DP. Before the September 6, 1989, election, the Progressive Federal Party had 17 seats in the 178-seat white-only House of Assembly. The National Democratic Movement

had three seats and the Independent Party had no seats.<sup>49</sup> After the September 6, 1989, election, the merged DP won 33 seats in the House of Assembly.<sup>50</sup>

DP's constituents were dissatisfied with Europeans from the National Party and government policies. Zach de Beer, the PFP leader, said, "The NP has no vision for the future. It doesn't know where it's taking South Africa."<sup>49</sup> Denis Worrall, the IP leader and South Africa's former ambassador to Britain, said, "I believe many former National Party supporters know that the NP is on the skids. The political future of this country has to be negotiated and by now it should be clear to everybody that this is something that the National Party government can't do."<sup>49</sup> The Democratic Party's policies were to unbans the ANC and the "full and equal citizenship rights for all South Africans."<sup>49</sup>

The Democratic Party had seven seats in the 400-seat National Assembly from 1994 to 1999. DP's constituents, mostly Europeans, agreed with DP's vision and its economic policy in the 1999 elections. "Overnight, [the DP] has become the official parliamentary opposition and the primary voice of white South Africa."<sup>51</sup> The DP won 38 seats in the National Assembly. DP's history is one of being an opposition party; first, against the National Party, then against the ANC.

The DP broadened its constituents with an alliance with the New National Party. In June 2000, the DP and the NNP merged into a new party, the Democratic Alliance,<sup>52</sup> but the NNP left the DA in October 2001.



## **Democratic Alliance**

The Democratic Alliance (DA) began in June 2000, when the Democratic Party and the New National Party merged into a new party. DA's constituents are mostly European liberals from DP's and NNP's constituents and many of NNP's constituents are Indians and mixed-race people ("coloreds").<sup>53</sup> The DA has liberal values for DA's constituents and on these values the DP and NNP members ran in the 1999 election. After the 1999 election, the DP won 38 seats and the NNP won 28 seats in the National Assembly. The merged DA had 66 seats from the DP and NNP seats in the 400-seat National Assembly.

The national (June 2000-October 2001) DA leadership members were the Leader, Tony Leon; Deputy Leader, Marthinus van Schalkwyk; and the National Chairman, Joe Seramane. Tony Leon was the leader of the Democratic Party, Marthinus van Schalkwyk was the leader of the New National party, and Joe Seramane had a DP seat in the National Assembly.<sup>54</sup>

After the DP/NNP merged, the Federal Alliance (FA) joined the DA. The FA was started September 1998, by South African millionaire executive, Louis Luyt. FA's constituents were mostly conservative Europeans and many conservatives were from NNP defectors.<sup>55</sup>

The FA was a fringe party and won two seats in the June 1999, election. After the election, the FA tried "realigning the political landscape in South Africa"<sup>56</sup> with another party. "Alliance Politics"<sup>57</sup> were in FA's manifesto and the FA began a parliamentary relationship with the United Democratic Movement (UDM).<sup>56,58</sup>

The UDM started on September 27, 1997, by Bantubonke Harrington Holomisa and Roelf Petrus Meyer with the merger of Holomisa's National Consultative Forum (NCF) and Meyer's New Movement Process (NMP).<sup>59,60</sup> The NCF was founded by Holomisa on February 8, 1997, in Johannesburg. Before the NCF, Holomisa was the leader of the black "homeland," Transkei, from 1987 to 1994. Holomisa was a member in the ANC and he was in the GNU as the Deputy Minister of Environment Affairs. In 1996, the ANC expelled Holomisa for taking bribes, but shortly thereafter, he founded the NCF.<sup>59,61</sup> Many of NCF's constituents were ex-Transkei citizens and black South Africans who did not agree on ANC policies.

The NMP was founded by Roelf Meyer on May 21, 1997. Meyer was a member of the National Party and held important positions within the Party. He was the Party's Secretary-General, a member of the Party's transition team, and he was helpful with the writing of the new constitution.<sup>59,62</sup> In 1997, Meyer believed the Party would not help the "New South Africa" "because the party has no future,"<sup>63</sup> and he resigned from the Party. He then started the NMP; the constituents were mostly Europeans who had left the NNP.

The NMP/NCF merged 1997 party, the United Democratic Movement, ran in the 1999 election. The UDM ran on crime, education, and housing.<sup>64</sup> The UDM did well in the election and won 14 seats in the 400-seat National Assembly.

In 1999, after the election, there was a political alliance between the Federal Alliance and the United Democratic Movement. The FA wanted seats in

the National Assembly to enable FA policies and the UDM's policies, since both were in agreement. The UDM needed resources, and the FA's Louis Luyt had resources and links to businesses that could help the party.

In January 2000, Roelf Meyer, a co-founder of the UDM, retired from the UDM and all politics.<sup>63,65</sup> The FA/UDM alliance was not flourishing, but the Democratic Alliance asked the FA and the UDM to join the DA. The FA joined the DA, but the UDM declined.<sup>53</sup>

The merged Democratic Party-New National Party-Federal Alliance party, the Democratic Alliance, ran in the December 5, 2000, local elections and the DA did well in the elections. After the elections, the DA became the main opposition party in South Africa with a 23 per cent share of the votes in the elections.<sup>66,67</sup> The NNP withdrew from the DA after October 2001, and DA's 22 per cent share in local governments decreased to eight per cent.<sup>68</sup> Many councillors left the DA and joined the NNP. The NNP stated, "Councillors will...be able to join the NNP without losing their positions."<sup>39</sup>

The DA and the NNP had fundamental concerns with the Mineral and Petroleum Resources Development Bill. The DA stated on the Bill: "In the face of uncertainty, foreign investors will take their highly mobile capital elsewhere."<sup>69</sup>

The DA is a new party and is preparing for national elections with opposition parties.<sup>70</sup> Another major opposition party in the elections will be the Inkatha Freedom Party.

## **Inkatha Freedom Party**

Inkatha Freedom Party (IFP) was founded by Mangosuthu Gatsha Buthelezi at KwaNzimela in Northern KwaZulu-Natal on March 21, 1975.<sup>71</sup> The IFP is connected to Zulu history in the organization and the leader. Buthelezi's family roots are service in Zulu history. His father, Mathole Buthelezi, was the Prime Minister to Zulu's King Solomon Nkashiyana Maphumuzana ka Dinizulu (King Solomon), and Mangosuthu Buthelezi's great grandfather, Mnyamana Buthelezi, was the Prime Minister to Zulu's King Cetshwayo ka Mpande. Mangosuthu Buthelezi's mother, Magogo ka Dinizulu, descended from the Zulu royal family. Magogo ka Dinizulu's brother was King Solomon and their great grandfather was King Cetshwayo ka Mpande, and her great great grandfather was King Mpanda ka Senzangakhona, the half-brother of Shaka.<sup>72,73</sup>

The IFP has history links to a 1920's Zulu organization, Inkatha kaZulu, and it was founded by King Solomon. He had alliances with conservative ANC members such as Pixley ka Isaka Seme and John Dube.<sup>74,75</sup> The ANC "sought, in their search for a mass following, to appeal to the need, expressed by blacks in Natal, for a culture that was both functional and familiar."<sup>75</sup> The founders adopted the word with the historical symbol, Inkatha, for the name of the organization. "Inkatha" comes from inkatha yezwe yakwaZulu and the inkatha yezwe yakwaZulu is the magic coil of Zulu national unity. The inkatha yezwe yakwaZulu:

... to embody the power and energy of the nation. These "soul-substances" were found in the "body dirt" of the populace, but especially that of the chiefs and the king himself. Tiny bits of grass against which the feet of passing multitudes had brushed on the country's footpaths,

samples of thatch or scrapings from any article with which friend or foe had been in physical contact, all these contained the essence of the soul of the nation or a means by which the enemies of the nation could be suppressed. Small samples of these specimens were then incorporated in the magic coil whereby the soul of the nation, represented by it, became enlarged, strengthened and rejuvenated....Shaka greatly strengthened the power of the inkatha. He subjugated a large number of tribes but formed them into a united people by collecting bits from the izinkatha of vanquished tribes and particles from the bodies of slain chiefs and embodying them in his own coil.<sup>75</sup>

Inkatha kaZulu was founded was a cultural movement using language, literature, and folklore, but it went dormant when King Solomon died in 1933.

Mangosuthu Buthelezi revived his grandfather's (Solomon Nkashiyana Maphumuzana ka Dinizulu) organization, Inkatha kaZulu on March 21, 1975. In the 1970's, "Zulu ethnicity was encouraged by a complex mixture of apartheid, the massive dislocation of rural society, a fear of union militancy, and a belief that regional politics could further the national ambitions of the local elite. At the center of this new wave of ethnic consciousness emerged in 1975 a new Inkatha political movement..."<sup>75</sup>

In the 1960's and the early 1970's, there was a void in black politics. The ANC and the Pan Africanist Congress (PAC) had been banned in 1960 and many ANC and PAC members were in exile, in jail, and underground in the 1960's. In the 1970's, the Black Consciousness Movement (BCM) started in the void of radical black organizations. There were three organizations, the South African Students' Organization (Saso), the South African Students' Movement (SASM), and the Black People's Convention (BPC), that were the main pillars of the BCM. Many BCM members were younger than older members in other black organizations. Saso members were in colleges, SASM members were in high

schools, and BPC were mostly younger adults. The BCM was radical and its philosophy was that black liberation can transpire by blacks only. The BCM's slogan was "black power."<sup>76</sup>

Inkatha's philosophy contradicted the BCM philosophy. Inkatha's philosophy was the African philosophy, Ubuntu-Botho.

...is ubuntu, botho. It means the essence of being human. You know when it is there and when it is absent. [I]t speaks about humanness, gentleness, hospitality, putting yourself out on behalf of others, being vulnerable. It embraces compassion and roughness. It recognizes that my humanity is bound up in yours, for we can only be human together.<sup>77</sup>

Inkatha wanted a Zulu nation.

The rise of Inkatha in the mid-1970s was accompanied by powerful forces of social destabilization. African society had long been fragmented by migrant labor and white rule, but it was atomized as hundreds of thousands of people were pushed off the land by the rapid modernization of farming and the implementation of apartheid. This new proletariat was forced into soulless resettlement villages in the rural areas and into squatter settlements around the industrial centers. As the old world crumbled and the shape of society changed, people needed to create a new sense of community.<sup>75</sup>

The Inkatha had a tenet for Zulu nationhood cultural liberation in South Africa's political environment in the 1970's and 1980's. In 1980, it changed its name from the old name to Inkatha ye Nkuleleko ye Sizwe, the Inkatha National Cultural Liberation Movement.<sup>71,73,75</sup>

The Inkatha National Cultural Liberation Movement had different perspectives on how a changed society can succeed in South Africa. Its perspective was that society changes could succeed only in a Zulu nation.<sup>78</sup> The Black Consciousness Movement's and the Pan Africanist Congress' perspectives on society changes must use all black people from the apartheid government. The

ANC's perspective on society changes would succeed with classes not with ethnics.

Inkatha believed that society changes could only succeed through organizations in South Africa, not organizations outside of South Africa. Inkatha's view was that an organization outside of South Africa could not implement its policies in South Africa. Inkatha respected banned organizations, especially the ANC, and it wanted to unban the organizations and free political prisoners.

In the early 1980's, Inkatha was the main non-European organization in South Africa, but many non-European South Africans did not agree with Inkatha policies. These policies were from the Zulu perspective and most South Africans were not Zulu. The ANC, the PAC, and the Black Consciousness Movement were banned and the BCM faded in the early 1980's. A new, non-Zulu, South African organization, the United Democratic Front (UDF), was launched on August 20, 1983. The UDF:

...reflected the aspirations and expectations of the vast majority of the oppressed masses.

The strength of the UDF lies in the democratic nature of its composition. The central characteristic of the UDF is that it is made up of trade unions as well as community, women's student, religious, youth, sports, political, professional, and business organisations and represent people of all colours and creeds from all strata of South Africa society....

The conscience and the moral impulse of all freedom-loving people of South Africa have been aroused....

The UDF draws inspiration from the overwhelming support and commitment of the people.<sup>79</sup>

Many different organizations supported the UDF at its beginning and in eight years, there were other organizations that supported the UDF.<sup>80</sup>

The UDF “identified implicitly with the ANC and explicitly with the Freedom Charter (adopted by the ANC in 1955). . . . The formation of the UDF was guided by internal ANC supporters. . . . The UDF subsequently had what might be called a ‘special relationship’ with the banned ANC--a relationship which is consistently and understandably downplayed.”<sup>81</sup>

The UDF tried to implement its policies with mass movements and individuals in South Africa, and on February 2, 1990, the government unbanned political organizations.<sup>82</sup>

[I]t is important for us in welcoming the return of the ANC to South African political life that we must address a word to our Afrikaner compatriots in particular, but the whites in general. We urge them, we urge our white compatriots, to shed the fears of the past, to welcome the return of the ANC to our political life as a public participant. Over the years the government and its spokesmen have drummed into the minds of the white compatriots the notion that the ANC is a threat to them, is their enemy. We want to appeal to them to shed those notions. Take a new look at the ANC as part of those constructive parties which want to shape a better future for all of us.<sup>83</sup>

In eight years, the UDF proclaimed ANC policies when the ANC was banned, but on March 4, 1991, the UDF announced the dissolution of the organization. “We feel that the purpose for which we were set up has been achieved.”<sup>80</sup> “We urge our affiliates to devote their energies to the building of the A.N.C., our ideological senior and mentor, into a mighty force for justice, democracy and peace.”<sup>80</sup>



During 30 years of being banned, the “ANC has shown an inability to deal with grassroots issues....And in many ways its leadership has grown out of touch with its members.”<sup>84</sup> The ANC agreed with the UDF and the Inkatha views that organizations in South Africa must be in South Africa to implement its policies. So, the ANC merged UDF structures and leadership for a better ANC.

The UDF brought grassroots participation. It brought accountability. It brought a bottom-to-top structure. Whereas abroad we the ANC were primarily a military organization, we were authoritarian. But because we have now set up branch structures there are greater demands for democracy.<sup>84</sup>

The United Democratic Front died on August 18, 1991.<sup>85,86</sup> “We managed to get people to stand up and fight for their rights without any fear and actually challenge authority.”<sup>86</sup>

Inkatha’s perspective on changing society was different from some black organizations on two points. The first point was on armed struggle. Inkatha thought armed struggle did not help the evolutionary new South Africa and Inkatha thought many black organizations were run by organizations outside South Africa. Inkatha thought those armed organizations were run by Communist countries. The ANC had a military wing, the Umkhonto we Sizwe, from the 1960’s; and Umkhonto we Sizwe was organized by Nelson Mandela.<sup>87</sup> “Inkatha under the leadership of Dr. M. G. Buthelezi...remained firm in their rejection of the armed struggle.”<sup>71</sup> “Inkatha...presents itself as the only ‘black moderate’ partner with sufficient grassroots backing to ensure capitalist stability in the region.”<sup>78</sup>

The second point was on the disinvestment campaign. The disinvestment campaign was an economic plan from individuals, organizations, and governments to change South Africa's policies. Individuals and organizations had boycotts, and governments had sanctions. Inkatha "argued that the disinvestment campaign did not serve the best short or long-term interest of the Blacks as it would simply add to the already heavy burden that Black people in South Africa were already carrying and completely destroy the economy, which Black South Africa hoped to inherit."<sup>66</sup>

On July 14, 1990, after the unbanning of political organizations, Inkatha changed its name from the Inkatha National Cultural Liberation Movement to the Inkatha Freedom Party (IFP).<sup>71</sup>

The guiding philosophy of the IFP remained Ubuthu-botho. The IFP's vision to solving the economic disenfranchisement of the majority of South Africans was that of a free market economy with a heavy influence on the social responsibility of the state in the light of the serious political, social and economic injustices of apartheid.

The IFP became the champion of federalism in South Africa....The IFP remains convinced and committed to ensuring that federalism is implemented in South Africa.<sup>71</sup>

The IFP aspired for a Zulu nation in federalism in the evolving new South Africa, but IFP's aspiration for a Zulu nation was in conflict with many black organizations. In the early 1990's, there was "war that was waged between IFP and ANC supporters...in which thousands were killed."<sup>78</sup>

On October 7, 1993, the IFP, the Conservative Party (CP), the Afrikaner Volksfront (AV), and the governments of Bophuthatswana and Ciskei, founded a movement, the Freedom Alliance. These organizations agreed that the new South

Africa should be a federal country.<sup>88,89</sup> The IPF wanted a Zulu nation, the CP and the AV wanted a white state, and the “independent” governments wanted black homelands in a federal South Africa.<sup>90</sup>

In the early 1990’s, the ANC and the National Party debated on a new constitution and added their points in a new constitution. Finally, a new interim constitution that “provide[d] for strong regional government in nine new provinces, but short of creating a federation”<sup>90</sup> in the new South Africa was adopted. The interim constitution was named the Constitution of the Republic of South Africa of the Act 200 of 1993 and the Constitution was implemented on April 27, 1994, after the April 1994 national election. The Act 200 of 1993 was signed on November 18, 1993, and the IFP opposed it.<sup>91</sup>

The IFP opposed the interim constitution and boycotted the April 1994, election.<sup>92</sup> But, the IFP did join the election, one week before the election days.<sup>93</sup> It did well in the race and was the third largest party in the National Assembly in the Government of National Unity (GNU). Buthelezi was appointed as the Minister of Home Affairs by the ANC government and President Mandela.

The IFP was an opposition party for five years (1994-1999) to the GNU and ran in the 1999 national election. It ran in the race and after the election, it was again the third largest party in the National Assembly. Buthelezi became the Minister of Home Affairs again in the government, and the government became a coalition with the IFP and the ANC. The ANC/IFP coalition was at both national and provincial levels.<sup>78</sup>

The IFP's mineral policy concurred with the ANC's policy, and it endorsed the Mineral and Petroleum Resources Development Bill and the Mining Charter.<sup>94</sup>

The ANC, the ANC/IFP coalition and the major political parties will influence South African mining and mineral industries with laws. There will be governmental laws on labor and those laws will influence the mining and mineral industries, and organized labor. Organized labor is very important in the South African mining and mineral industries.

#### **ORGANIZED LABOR**

Organized labor impacts mineral supply, the mining and mineral industries, and influences South African society.

#### **National Union of Mineworkers**

“The National Union of Mineworkers (NUM) was formed on 5 December 1982 and is the largest recognized collective bargaining agent representing workers in the Mining, Energy and Construction industries in South Africa.”<sup>95</sup> NUM was launched from the history of mobilized African mineworkers. There were strikes in the early 1900's and in 1919, 70,000 African mineworkers went on strike at Gauteng mines.<sup>96</sup> Another important event in February 1920, was that 44,000 African mineworkers went on strike.<sup>97</sup> There were other strikes after the 1919 and 1920 strikes, but there was not a strong miners union for Africans until 1941.

On August 3, 1941, the African National Congress' Transvaal Province Committee had a conference of delegations from the spectra of South Africa's

organizations. At the conference, a committee would “proceed by every means it thought fit to build up an African Mine Workers’ Union in order to raise the standards and guard the interests of all African mine workers.”<sup>98</sup> The African Mine Worker’s Union (AMWU) was formally established and immediately attempted a movement to increase African’s wages. The AMWU was harassed and its members were arrested, fired, and deported by the police and mine management. The Chamber of Mines ignored and did not acknowledge the AMWU, but the Chamber was concerned about labor productivity.

The Chamber and the government in 1943 commissioned a group of African miners and the commission was named for its chairman, Judge Lansdowne. In April 1944, the Lansdowne Commission’s report stated that cheap African labor was good for mine owners. AMWU delegates, other unionists, ANC leaders, chiefs, and Native Representative Council members met at AMWU’s annual conference in August 1944, and the Lansdowne Commission report was the topic of the meeting. AMWU delegates wanted a strike immediately, but its leaders needed time for a large strike at all mines. The Chamber and the government were concerned about African miners’ strikes and in August 1944, the government issued the War Measure No. 1425, to stop mining strikes. The 1425 law prohibited gathering of more than 20 people without permission on mining property.

In December 1944, many AMWU leaders were arrested in accordance with the 1425 law when its leaders were meeting with more than 20 people on mining property. The leaders were released in 1945 and they were working on

AMWU's mandate, to increase wages and other workplace improvements. AMWU communicated their concerns to the Chamber, but it was not acknowledged. In 1945,

...private police aided and abetted by state police, were everywhere-victimisation of activists, arbitrary sackings and deportations of identified or suspected Union members was widespread. Union membership declined under the assault, its income from membership subscriptions fell to crisis point.

...the Chamber of Mines felt confident enough to seize advantage of the food shortages developing in the country, and cut the already unacceptable level of rations in the mine canteens. Canned meat was substituted for fresh, and the quantity and quality of the food was deliberately reduced without any attempt to explain or to meet with the miners. In protest food demonstrations, riots and violent attacks on the mine kitchens began to flare up all along the Reef. The explosion that had long threatened was clearly coming; but state and Chamber, confident that they had emasculated the miners and brought their Union to a low ebb, ignored all the signals.<sup>99</sup>

At the fifth annual AMWU's conference on August 4, 1946, more than one thousand delegates agreed unanimously:

Because of the intransigent attitude of the Transvaal Chamber of Mines towards the legitimate demands of the workers for a minimum wage of 10 shillings per day and better conditions of work, this meeting of African miners resolves to embark upon a general strike of all Africans employed on the gold mines, as from August 12, 1946.<sup>98</sup>

J. B. Marks, the AMWU president, remarked on the possible violence against African miners, "You are challenging the very basis of the cheap labor system and must be ready to sacrifice in the struggle for the right to live as human beings."<sup>98</sup>

The strikers used three weapons in the strike, sit-downs at mines, staying at home, and mass gatherings at the mines. Some 100,000 African miners were on strike for a week. There were many clashes between the miners and the police

during the strike.<sup>100</sup> Some 900 miners were injured and five miners died.<sup>99</sup> The strike hurt laborers and mine production.<sup>100</sup>

The strike did not change African miners' wages and there were no changes in the workplace, but there were many intangibles after the strike. The international community heard African perspectives on South African mining from delegates at the U.N. There were other intangibles in South Africa,

...the immediate demands of the miners were lost, and the strikers were driven back to work on precisely the same conditions over which they had come out. And [the African Mine Workers'] Union, built with such difficulty over several years was almost, if not completely, smashed and lost. The gains were less tangible, long term, and to be found mainly in the consciousness and understanding of the miners themselves. They had gained--even in defeat--the knowledge that their unity could be established...that unity was the first condition for any successful challenge to the conditions of their lives...But above all, they had learnt the power to shake the social order....<sup>99</sup>

The 1946 strike pointed out that African miners were an important factor in South Africa's mining industries. Mine owners and the government knew of the shortage of labor and the big deficiency in skilled labor.

Twenty years after the 1946 strike, in 1977 the government established a commission to send recommendations for a framework to increase African's productivity in the workplace and to investigate South Africa's labor laws. The Commission looked at the Industrial Conciliation Act of 1956, the Native Labour (Settlement of Disputes) Act of 1953, the Wage Act of 1957, and other laws about industrial relations:

1. the adjustment of the existing system of the regulation of labour relations in South Africa with the object of making it provide more effectively for the needs of our changing times;

2. the adjustment, if necessary, of the existing machinery for the prevention and settlement of disputes which changing needs may require;
3. the elimination of bottle-necks and other problems which are at present being experienced within the entire sphere of labour; and
4. the methods and means by which a foundation for the creation and expansion of sound labour relations may be laid for the future of South Africa.<sup>101</sup>

The group members were from industry, unions, government, and academe. The group's name was from the chairman's name, Nic E. Wiehahn. Wiehahn was a professor at the University of South Africa and he held the Siemans Chair of Industrial Relations at the School of Business Leadership. Also, Wiehahn had positions in the government on law and industrial relations.

Wiehahn crystallized the Commission's philosophies and factors in South Africa's environment in the November 1982, Engineering & Mining Journal:

While South Africa hasn't got a true free enterprise system, the fundamental elements of a free enterprise system are present in our economic structure and practice. When the present government [the National Party] came to power in 1948, it appointed a commission of inquiry into labor legislation--the Botha Commission. The Botha Commission recommended the implementation of certain, what I will call political-ideological, principles in the labor market and in industrial relations that now appear incompatible with the basic elements of free enterprise, which of course means freedom, competition, and minimal state intervention.

A number of factors were present in the South African economic scene in the post-WWII years. First, there was tremendous economic development; second, a rapid decline in the white birth rate; third, a rapid increase in the number of multinationals operating in South Africa in all industries; fourth, decline in white immigration; fifth, there were international political developments in Africa--the roll-down of Socialism from the north to the south of Africa.<sup>102</sup>



The Wiehahn Commission report had many recommendations to the government in six parts and the sixth part was on the mining industry.

Two recommendations changed mining labor, the abolition of job reservation and acknowledgement of legal African unions. The abolition of job reservation would help the shortage of skilled labor in South Africa. Mine owners' "efforts have continued toward combating the shortage of skilled manpower in the mining industry and toward achieving a better utilization of all the available human resources, irrespective of race. However, although the Chamber welcomed the findings of the Wiehahn Commission's investigation of labour practices within the mining industry, and...several meetings have since been held with employee organisations, progress towards resolving the major issues presented by Wiehahn has been slow."<sup>103</sup>

The Chamber and mine owners met with available organizations to alleviate the shortfall of skilled laborers. Those organizations had no programs, or those organizations followed the social customs which banned Africans in its programs. Dennis Etheredge, the chairman of Anglo American Corporation's Division of Gold and Uranium, stated, "The abolition of racial discrimination in employment remains one of the primary objectives of the mines. One of the main hurdles is to overcome apprehension on the part of white employees about their job security. This and many other issues must be dealt with if agreement is to be reached on the changes to the Mine and Works Act as contemplated by the Wiehahn Commission."<sup>104</sup> In the early 1980's, the largest mining union, the Mine Workers' Union, all white members, rejected the Wiehahn Commission

recommendations.<sup>105</sup> Etheredge and the Anglo American Corporation had agreements with new organizations with programs for all South African citizens.<sup>104</sup>

The National Union of Mineworkers (NUM) emerged from the African Unions in the early 1980's. The NUM followed the Wiehahn Commission recommendations/laws; it registered and followed the laws, and especially followed the "no politics in trade unionism."<sup>101</sup> The government and the Chamber allowed NUM to sign members at the mines and at mining properties. Cyril Ramaphosa, NUM's General Secretary, remarked on its industrial relations in the laws, "If we get a good wage rate for our members, the mining bosses would be stupid not to try to apply it throughout the industry. There would be trouble from the workers if rates weren't uniform, and in any case we'd take them to court for an unfair labour practice."<sup>106</sup>

Ramaphosa was a law graduate and a former political prisoner. His vision brought South African industrial relations to bring democratic labor for all South Africans. "[D]uring labor negotiations with the mining industry, he won the respect of Anglo American for his determination and skill."<sup>107</sup> A statement by the Chamber and the NUM remarked that, "The Chamber conveyed to the unions its commitment to the elimination of discrimination based on race, sex and religion in work practices and measures in the mining industry."<sup>108</sup> Ramaphosa's leadership made NUM a power in the "New South Africa."

The NUM allied with the Council of Unions of South Africa (Cusa) and the majority of Cusa's members were NUM members. Cusa was founded by

black unions in 1981, and there was another black union group, the Federation of South African Trade Unions (FOSATU).<sup>109,110</sup> There were some 95,000 FOSATU members in 1981, and its unions had 90 strikes with 53 settled for the unions.<sup>110</sup>

Ramaphosa and NUM's leaders met FOSATU's leaders about an alliance. NUM left Cusa,<sup>111</sup> and in December 1985, the NUM and the FOSATU merged into a "new super federation" which was named the Congress of South African Trade Unions (COSATU).<sup>112</sup>

COSATU's "main broad strategic objectives were:

- To improve material conditions of our members and of the working people as a whole
- To organise the unorganized
- To ensure workers' participation in the struggle for peace and democracy."<sup>113</sup>

In August 1987, NUM manifested the power of its 300,000 members in South Africa's economy with a long strike in South Africa's gold and coal mines. Ramaphosa said, "Our members aren't kidding. They are going to pursue their demands."<sup>114</sup> He said the NUM will strike, "as long as it takes to win our demands. Even if they arrest our entire leadership, they would be replaced and the strike would go on."<sup>115</sup> The strike lasted 21 days.<sup>116</sup> About \$8 million a day of lost profits occurred during the strike.<sup>115</sup>

The NUM allied with COSATU and agreed with its principles. "From its inception, the federation has been based on the following core principles:

- Non-racialism...

- Worker control...
- Paid-up member...
- One industry, one union-one country, one federation...
- International workers solidarity....”<sup>113</sup>

COSATU’s view on International Solidarity is:

International solidarity is the lifeblood of trade unionism--particularly in the era of multinational companies. COSATU maintains links with a range of national and international centres. We are committed to building links with unions in the newly industrialized countries. New international conditions open possibilities for a unified union movement.<sup>113</sup>

COSATU’s international links were mostly in countries where their governments endorsed the different socialist ideologies.

South Africa was an anti-Communist country with anti-Communist laws, and banned the South African Communist Party (SACP). In 1990, political parties were unbanned and COSATU could legally link with international organizations and governments in any country. COSATU united with two legal political parties, the African National Congress (ANC) and the SACP.

When political organizations were unbanned, the ANC, SACP, and COSATU agreed to work together as a Revolutionary Alliance (Tripartite Alliance, the Alliance). The Alliance is centered around short, medium to long terms goals of the National Revolution-the establishment of a democratic and non-racial South Africa, economic transformation and continued process of political and economic democratisation.<sup>113</sup>

The Tripartite Alliance was very important in the politics of the “New South Africa.” Many South Africans thought the ANC would be the major party in the next government and the Congress of South African Trade Unions would be the largest labor organization. An example of South Africans who had those

views in 1992, were 2,000 white miners who joined COSATU's NUM.<sup>117</sup> The NUM helped the ANC in the 1994 election and after the election, NUM leaders were in the Government of National Unity (GNU). NUM's Ramaphosa was essential in building South Africa's new constitution.

COSATU has 20 trade unions with more than 1.8 million members and the NUM is the largest affiliate in COSATU.<sup>118</sup> NUM's objectives are:

To organise all Mine, Construction and Energy workers

To protect, promote and advance the interests of our members

We are committed to turn your dream as worker into reality<sup>119</sup>

Its mission statements are:

To unite, inspire and educate our members

To render effective and quality service to our members

To ensure that members actively participate in the union's activities in determining the destiny of the union<sup>119</sup>

The foundations of NUM's mining policy are:

Put people first

Care for the environment

Fair business climate to promote mining

Its tenets are in its 1995 Mining and Minerals Policy and an example is in the Policy on mineral rights.

There is an urgent need to end the sterilization of mineral deposits which companies own and do not develop. Mineral rights should be publicly owned and leased to companies. Leases should expire if the companies do not explore and develop the land leased to them within a reasonable time.<sup>120</sup>

The NUM agreed with the government's December 2000, Mineral Development Draft Bill<sup>121</sup> and many parts of the Bill are similar to NUM's 1995 Mining and Mineral Policy. The NUM was pleased with the passage of the Mineral and Petroleum Resources Development Bill in June 2002, but it perceived that "the Bill does not go far enough."<sup>122</sup> COSATU, the NUM, and other organizations stated their concerns about the Bill:

[NUM and] organisations support the overall intention of the Bill of vesting mineral rights in the state....However, the Bill does not go far enough in undoing monopoly ownership in the sector....Mining rights should not be awarded to companies if [the procedures in the Bill] will have the effect of further concentrating ownership patterns.<sup>122</sup>

The NUM was a member of the group that helped in drafting the last (October 2002) Mining Charter. The new Charter alleviated NUM's concerns in the Bill. Moferefere Lekorotsoana, NUM's spokesman, on the Mining Charter said, "The NUM has, to date (October 11, 2002), supported the intention to diversify the patterns of ownership on the industry."<sup>123</sup>

The NUM understood the changes in South Africa's mining industries

The South African Mining Industry has been contracting at an alarming pace since 1987. Although it reached an employment peak of 750,000 in 1987, it has since lost over 186,000 jobs. The long-term outlook looks bleak due to a number of economic forces such as the decline in international markets, fluctuating commodity prices, rampant restructuring and mechanisation.<sup>124</sup>

The NUM established the Mineworkers Investment Company (MIC) to supplement its funds for its projects.<sup>125</sup>

The NUM is affiliated with the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM). The ICEM was founded in

Washington on November 22, 1995 by union delegates from more than 90 countries. The delegates were from unions which were affiliated with the International Federation of Chemical, Energy and General Workers Unions (ICEF), and the Miners' International Federation (MIF). The delegates agreed with the merging of ICEF and MIF to form the ICEM with the slogan "United and Organise." The ICEM's principles are commitment, solidarity, democracy, information, organizing, and effectiveness.<sup>126</sup>

### **Mine Workers' Union/Mine Workers' Union-Solidarity**

Mine Workers' Union (MWU) was one of the early mining unions that developed in South Africa. The MWU was founded in 1913 and most MWU members were Afrikaans mine workers.<sup>127,128</sup> Many MWU members were soldiers in the Boer Wars and many members' families were in Boer concentration camps. The mines were owned by Britons and the MWU was trying to protect and improve Afrikaans positions in the mines.<sup>129</sup>

The MWU agreed with many laws that helped its constituencies such as the Mine and Work Acts of 1911, 1926, and 1956. But it did not agree with the recommendations of the government's Wiehahn Commission.

In February 1982, at the "annual meeting of the general council of the MWU...convened in Johannesburg...the Union's president flatly rejected any notion of negotiations to end job reservation in the country's mining industry. The Union would accept no changes that might jeopardize the future of its members...."<sup>105</sup> Chairman Wiehahn said, "The mine workers union is the most conservative of white trade unions and offers the strongest resistance to change in

South Africa. It is perhaps the [mining] industry in which the attitudes are the most conservative.”<sup>102</sup>

The government agreed with most of the Wiehahn recommendations and many of the recommendations became law. Changes in South Africa’s political environment in the 1980’s and the 1990’s compelled MWU’s mandate from its constituencies to protect and increase jobs. The MWU was trying to diversify its funds from paid members to shares in telecommunications, steel, electrical and chemical industries.<sup>127</sup> Also, the MWU was trying to diversify its constituencies from mining to other industries. In February 2001, it merged with the South Africa Workers’ Union, the Denel Union, and the Forestry and Plantation Management Union, and the merged unions founded the Mine Workers’ Union-Solidarity.<sup>127,128</sup>

The MWU-Solidarity began with around 100,000 members and its spokesman, Dirk Herman, said the MWU was changing its perspective from a country union to a global union. “We thought it was necessary in the world of organised labour to have collective power. Collective power is also what collective bargaining is all about. We need to redefine the role of collective power in the workplace and give services to our members....We want to be a trade union that is ready for the new era. We are responding to a changing global economy. Trade unions will be phased out of the information economy if they do not make this change.”<sup>130</sup> The MWU-Solidarity general secretary, Flip Buys, on the merger of the unions, said, “We will strive towards a balance between interest, the free market and the information economy.”<sup>130</sup> “This strategy included a



department for individual members in order to provide for the new trend towards micro businesses, an own retirement fund to provide for members at employers without such funds and a job creation plan to curb the loss of job opportunities created by the new economy.”<sup>127</sup>

The MWU-Solidarity is trying to protect their constituencies in the new economy and was concerned about the Mineral and Petroleum Resources Development Bill. The MWU-Solidarity was concerned that the Bill was passed and spokesman, Dirk Herman, stated:

The industry must concentrate on enhancing performance in the new economy. There's no place for political decisions in this economy....Although much can be said against the present dispensation concerning ownership of mineral rights, the seizure of rights by the government is nothing less than a transgression of right[s] of ownership. This transgression of rights of ownership will cause local and international investors to think twice before risking their money in South Africa. Should the government violate rights, the question may well be asked whether they will not also violate rights of ownership in other respects.<sup>131</sup>

It thought the Bill would not help South Africa in the world market and it thought the bill would impair labor in collective rights jobs<sup>131</sup>

The MWU-Solidarity is trying to create jobs and is trying to stop the loss of the jobs of its constituents in the new economy, but there is another mining union, the United Association of South Africa, with the views, to protect and increase jobs, for their constituents.

### **United Association of South Africa**

The United Association of South Africa (UASA) was established through the mergers of South Africa Technical Officials, Underground Association, and the Mine Surface Officials Association in 1998.

UASA's original unions' members were mine officials, miners, artisans, and general laborers. UASA had 39,000 members in 1998, from the original mining unions, but it diversified its members with the mergers of non-mining unions. In November 2002, UASA had more than 100,000 members.<sup>132,133</sup>

UASA's slogan is "The best service-every time," and one of its principles is "No political affinities in trade unionism."<sup>132</sup> The Mineral and Petroleum Development Bill passed in June 2002, and an UASA June 2002, bulletin stated:

The confrontational, aggressive and militant position is outdated. Although it might have served a useful purpose during the liberation struggle it is now totally inappropriate. Trade unions should rather engage in partnerships with management and government to ensure that economic development, job creation and solutions to social and related problems are achieved.<sup>134</sup>

The UASA has not affiliated with any political party, but it is affiliated to the Federation of Unions of South Africa (FEDUSA). The FEDUSA has around 530,000 members in 26 trade unions, and it joined the International Confederation of Free Trade Union in November 1998.<sup>135</sup>

South Africa's mining and mineral industries are evolving with the changes in organized labor and political parties are factors in the supply of country's strategic and non-strategic minerals.

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## **Chapter 4: Future Scenarios for South Africa's Mining and Mineral Industries**

There are domestic factors in the evolution of the “New South Africa” and political parties are one of these. There are many political parties in South Africa's democracy which have different ideologies. The spectra of parties with different ideologies impact government's policies and those policies impact South Africa's mining and mineral industries. These parties tried to implement their ideologies in the Mineral and Petroleum Resources Development Act (Act 28 of 2002) and the October 2002, Mining Charter.

### **SOCIALISM**

Some fringe parties such as the Pan Africanist Congress (PAC), Azanian People's Organisation (AZAPO), and the South African Communist Party wanted socialism in South Africa, and these parties agreed with many of Karl Marx's views on society. These parties and others agree with Marx's view on land:

The property in the soil is the original sources of all wealth, and has become the great problem upon the solution of which depends the future of the working class.

...Agriculture, mining, manufacture, in one word, all branches of production, will gradually be organised in the most adequate manner. *National centralisation of the means of production* will become the national basis of a society composed of associations of free and equal producers carrying on the social business on a common and rational plan.<sup>1</sup>

Marx's perceptions and conclusions were formulated in the 1800's environment during the development of capitalism in western European countries. After

Marx's conclusions, philosophies and ideologies developed from the African environment to be known as African socialism.

African socialism results from its history and its political environment. There are various types of African socialism, but all have the same foundations. They recall African society before European colonization.

Politically, African Socialism shall strive to promote and safeguard popular democracy based upon universal adult suffrage (one individual, one vote, regardless of race, color, creed, or sex), fundamental human rights, social justice, and the rule of law.

Economically, African Socialism shall seek to promote and safeguard the people's well-being through the common ownership and control of the essential means of production and distribution, and ultimately the abolition of power to live by rent, interest, and profit.

Socially, African Socialism shall seek to promote and safeguard full employment by the state and performance by all citizens will share in the common resources of the nation according to their needs. Equal opportunity shall be given to all, regardless of race, tribe, color, class, or creed. Talent and character shall be the only criteria of merit in public life.<sup>2</sup>

African's countries and circumstances adapted their African socialism. Senegal used its socialism "requirements of the common good..."<sup>3</sup> and the "African Socialism, leads us toward the realization of this socialist society by infusing into it our African values."<sup>3</sup> Senegal's socialism moved the country in "economic democracy and spiritual freedom."<sup>4</sup> Senegal "for our part can discern that, within this new synthesis, the old categories of idealism-Marxism, materialism, and liberalism-lose their meaning and their interest."<sup>3</sup>

Kenya's socialism:

In the phrase "African socialism," the word "African" is not introduced to describe a continent to which a foreign ideology is to be transplanted. It is

meant to convey the African roots of a system that is itself African in its characteristics. African socialism is a term describing an African political and economic system that is positively African, not being imported from any country or being a blueprint of any foreign ideology, but capable of incorporating useful and compatible techniques from whatever source. The principal conditions the system must satisfy are (i) it must draw on the best of African traditions;(ii) it must be adaptable to new and rapidly changing circumstance; and (iii) it must not rest for its success on a satellite relationship with any other country or group of countries.<sup>5</sup>

Tanzania's first president, Julius Nyerere, conceived Tanzania's (formerly Tanganyika) socialism, Ujamaa. Nyerere brought new ideas on socialism.

Socialism--like democracy--is an attitude of mind. In a socialist society it is the socialist attitude of mind, not the rigid adherence to a standard political pattern, which is needed to ensure that the people care for each other's welfare....

In the individual, as in the society, it is an attitude of mind which distinguishes the socialist from the nonsocialist. It has nothing to do with the possession of wealth. Destitute people can be potential capitalists-exploiters of their fellow human beings. A millionaire can equally well be a socialist, he may value his wealth only because it can be used in service of his fellow men. But the man who uses wealth for the purpose of dominating any of his fellows is a capitalist. So is the man who would if he could!

I have said that a millionaire can be a good socialist. But a socialist millionaire is a rare phenomenon....

Defenders of capitalism claim that the millionaire's wealth is the just reward for his ability or enterprise. But this claim is not borne out by the facts. The wealth of the millionaire depends as little on the enterprise or abilities of the millionaire himself as the power of a feudal monarch depended on his own efforts, enterprise, or brain. Both are users, exploiters, of the abilities and enterprise of other people...

Acquisitiveness for the purpose of gaining power and prestige is unsocialist. In an acquisitive society wealth tends to corrupt those who possess it....

European socialism was born of the Agrarian Revolution and the Industrial revolution which followed it. The former created the “landed” and the “landless” classes in society; the latter produced the modern capitalist and the industrial proletariat.

These two revolutions planted the seeds of conflict within society, and not only was European socialism born of that conflict, but its apostles sanctified the conflict itself into a philosophy. Civil war no longer looked upon as something evil, or something unfortunate, but as something good and necessary. As prayer is to Christianity or to Islam, so civil war (which they call “class war”) is to the European version of socialism--a means inseparable from the end. Each becomes the basis of a whole way of life. The European socialist cannot think of his socialism without its father--capitalism!

Brought up in tribal socialism, I must say I find this contradiction quite intolerable. It gives capitalism a philosophical status which capitalism neither claims nor deserves. For it virtually says, “Without capitalism, and the conflict which capitalism creates within society, there can be no socialism”! This glorification of capitalism by the doctrinaire European socialists, I repeat, I find intolerable....

“*Ujamaa*,” then, or “familyhood,” describes our Socialism. It is opposed to capitalism, which seeks to build a happy society on the basis of the exploitation of man by man; and it is equally opposed to doctrinaire socialism which seeks to build its happy society on a philosophy of inevitable conflict between man and man....

...Our recognition of the family to which we all belong must be extended yet further--beyond the tribe, the community, the nation, or even the continent--to embrace the whole society of mankind. This is the only logical conclusion for true Socialism.<sup>6</sup>

African socialism looks at land as the engine in the country's economy.

“Under African socialism the power to control resource use resides with the states,”<sup>5</sup> in Kenya. Kenya's opposition party said on land, “Uhuru (freedom) has no meaning until the land problem is solved...put the land in the hands of the people.”<sup>7</sup> Tanzania's Nyerere on land:

And in rejecting the capitalist attitude of mind which...brought into Africa, we must reject also the capitalist methods which go with it. One of these is the individual ownership of land. To us in Africa, land was always recognized as belonging to the community....

The foreigner introduced a completely different concept--the concept of land as a marketable commodity....Landlords, in a society which recognizes individual ownership of land,....

The [Tanzanian] government must go back to the traditional African custom of landholding. That is to say, a member of society will be entitled to a piece of land on condition that he used it. Unconditional, or "freehold," ownership of land (which leads to speculation and parasitism) must be abolished. We must, as I have said, regain our former attitude of mind--our traditional African Socialism--and apply it to the new societies we are building today.<sup>6</sup>

There were many political concerns in South Africa after the conclusion of World War II. In March 1945, in Manchester, England, there was a meeting of Pan-African people on the problems of indigenous people in the colonies. This meeting was known as the Fifth Pan-African Congress or the Manchester Pan-African Congress of 1945. Many people at the Congress became important in their countries. Examples were Kwame Nkumah and Jomo Kenyatta. At the Congress, Nkumah was a member of the joint political secretaries, and Kenyatta was an assistant secretary. After the congress, Nkumah became the first President of Ghana and Kenyatta became the first President of Kenya. There were South Africans, Peter Abrahams and Marko Hlubi, at the Congress. Also, Hlubi was an ANC representative at the meeting.<sup>8</sup>

At the Manchester Congress, "abjuration of capitalism was complete and it declared socialism as the only effective means by which the problems of poverty and hunger could be mitigated."<sup>9</sup> Nkumah was a socialist who attempted

socialism in Ghana and Kenyatta adopted Kenyan socialism. Socialism in Ghana, Senegal, Kenya, and Tanzania were a concern in South Africa. “A number of factors were present [1977] in the South African economy scene in the post--WW II years....there were international political developments in Africa--the roll-down of Socialism from the north to the south of Africa,”<sup>10</sup>

Socialism would influence South Africa’s mining and minerals industries, if South Africa adopted socialism. Socialism could hurt the country’s mining and mineral industries. Investors would lose their confidence in South Africa’s government to protect their investments. Old mines would close and there would be no new mines. Bureaucracies would increase and laborers’ productivity might decrease in socialism.

There are consequences, if South Africa adopts socialism. Socialism does not work. Socialism did not work in the former Union of Soviet Socialist Republics, in European countries, and in African countries. International philanthropic organizations do not fund programs in socialist countries and most investors do not work in socialist countries. There are other countries with minerals, and mining investors would look at opportunities in other countries and not in a socialist South Africa.

#### **REGULATED INDUSTRY**

South Africa’s government asked for an atmosphere favorable to investors. In the 1990’s, South Africa’s government repealed apartheid laws, and investors and the international community were pleased with the abolition of

these laws. Investors saw the change in South Africa's labor from confrontation to accommodation in the next government's mining and mineral policies.<sup>11</sup>

Mineral rights were privately owned in South Africa, but South Africa's largest party, the ANC, has mineral rights policies that changed mineral rights from private owners to the government.<sup>12</sup> ANC's policy on mineral rights from 1955 was:

...the mineral wealth beneath the soil is the national heritage of all South Africans, including future generations....the current system of mineral rights prevents the optimal development of mining and the appropriate use of urban land. We must seek the return of private minerals right to the democratic government, in line with the rest of the world. This must be done in close collaboration with all stakeholders.<sup>13</sup>

Some investors interpret ANC's policy as a socialist document from a communist party and the ANC had an alliance with the South African Communist Party (SACP) for years.<sup>14</sup> Nelson Mandela, ANC's president, said,

The ANC is not a communist party. But as a defender of democracy, it has fought and will continue to fight for the right of the Communist Party to exist....The ANC has no mandate to espouse a Marxist ideology, as a parliament of the people of our country, the ANC has defended and will continue to defend the right of any South African to adhere to the Marxist ideology if that is their wish.<sup>15</sup>

The ANC won the April 1994, election and ran on nationalization. Nationalization is a socialist idea and many black Africans thought it would replace white managers and white employees with black managers and black employees. A powerful political organization, the Tripartite Alliance, had different ideas on nationalization. Two Tripartite Alliance members: labor, the Congress of South African Unions (COSATU) and the SACP, wanted nationalization, but the third member, the ANC, discarded the socialist idea of

nationalization. The ANC government stated in October 2002, that the mines will not be nationalized.<sup>16</sup>

South Africa and the ANC government are not socialist and the government follows international law principals. There are opportunities for investors in South Africa and the government will regulate the mining and mineral industries on the principals in the U.N. General Assembly resolution 1803 (XVII) of December 14, 1962 on the “Permanent Sovereignty over Natural Resources”:

...The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned....

Foreign investment agreements freely entered into by or between sovereign States shall be observed in good faith; States and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter and the principles set forth in the present resolution.<sup>17</sup>

South Africa's economy is in transition from apartheid economics to freemarket economics and it is one of the countries emerging from transitional economics. South Africa and other countries emerging are restructuring their mining industries to:

- (1) enhance overall economic and industrial growth;
- (2) improve efficiencies in mineral recovery and utilisation, acquire newer, advanced technologies;
- (3) reduce the environmental repercussions of mining; and
- (4) improve safety conditions.<sup>18</sup>



There are international factors which influence South Africa's mining industries, including finance and markets.<sup>19</sup> There are domestic factors which influence the mining industries with legislation on the:

- ownership rights to minerals and national resources;
- security of tenure, or right to develop a deposit a company discovers;
- procedures for assigning property rights in mineral resources;
- regulations governing the use and exploitation of mineral resources;
- payment procedures for exploiting mineral resources; and
- state control over the use of mineral resources.<sup>18</sup>

South Africa's government is trying to maximize mineral exports to fund social programs and believes that the mining and mineral industries' production will be maximized in regulated industries. Regulated private industries maximize production without nationalization.

The government does not want to nationalize mining companies and the government will follow international law. International law has principles in the compensation to the owners of nationalized companies. The nationalized companies are foreign owned with headquarters in foreign countries and "just compensation" is met. "Just compensation' must be in an amount equivalent to the value of the property taken and be paid at the time of taking, or within a reasonable time thereafter with interest from the date of taking, and in a form economically usable by the foreign national."<sup>20</sup>

The international community agrees that “just compensation” has prompt, adequate, and effective components.

#### Prompt Compensation

Compensation is to be paid at or before the time of the taking. If the expropriated party is not fully compensated at the time of the taking, to ensure “prompt” compensation and payment, international law prescribes an interest component to be paid as part of such full compensation. Interest generally accrues from the date of the taking....

#### Adequate Compensation

A general principle of international law is that foreign [owners] are entitled to the value of the property taken. One of the more common methods of quantifying the value of “adequate” compensation under international law is to determine “the fair market value” of the business taken. Determining the fair market value of an operating company, which is expropriated is required by international law to be on a going concern basis, taking into account the net book value of its assets and such elements as good will and likely future profitability had the business continued under its former management.... Net present value of future cash flows may be used to assess likely future profitability.... International arbitration practice also provides that adequate compensation necessarily includes an appropriate sum to reimburse expropriated parties for attorneys fees and related costs....

#### Effective Compensation

To ensure “effective” compensation, international law requires payment from the expropriating state to be in a form usable by the foreign national....<sup>21</sup>

If the government nationalizes the country’s mining companies, the government would compensate the former owners and the “just compensation” would be massive in the government’s budget.

Regulated private industries can be good for South Africa's mining and mineral industries. Investors desire regulated industries in "the freemarket economics" in South Africa. Investors need "clearly understood mutually of interests"<sup>22</sup> and "acceptable ethical standards by both sides"<sup>22</sup> in regulated mining and mineral industries in South Africa. Regulated mining will have opportunities for new mining companies and mining affiliate companies.

There could be some problems in regulated mining and mineral industries. Corruption might increase. Regulated industries would be based on politics, not on economics.

Regulated mining and mineral industries are the consequences of South Africa's transition economy in the Mineral and Petroleum Resources Development and the Mining Charter. Such industries clarify the government's program in the industries for labor and investors. Regulated mining and mineral industries are the best for South Africa. Investors want positive environments for its investments and the country's economy needs investments in the mining industries.

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## **Conclusions**

South Africa has many strategic and economic minerals and has mined minerals for more than 100 years. South Africa's strategic minerals are a store for industrial countries, but investors are worried about factors in strategic mineral supply in post-apartheid South Africa.

The government and politics are factors in strategic minerals' supply. Pre-1990, the government was a supporter of mining and mineral industries with a mature bureaucracy, the Department of Minerals and Energy (formerly Mineral and Energy Affairs), to implement government's policies. The government had policies that supported the mining and mineral industries and its policies created a political environment favorable to investors. Investors need a stable political environment with policies that will assist its investments.

The 1990's were a turbulent time for the government and South Africa's political parties. The government changed from the National Party to the African National Congress (ANC) with a transition government, the Government of National Unity (GNU). The ANC was the majority party in the GNU and the GNU/ANC government brought ANC policies to the new government. In 1994, the ANC published the Reconstruction and Development Programme (RDP), and that policy was a foundation of GNU and post-1999 governments' mining and mineral industries policies and acts. The RDP tried to rectify pre-1990 laws with land reforms and mining policies, but many investors were concerned about their investments.

Government ownership was a principal in the RDP and in post-RDP mining policies. Post-RDP mining policies crystallized in the Act 28 of 2002, the Mineral and Petroleum Resources Development Act (Act). The government appropriated minerals and mineral rights from mining companies in the Act. Those companies were the pillars of South Africa's economy and these companies are the best suppliers of strategic minerals for industrial countries.

The Mineral and Petroleum Resources Development Bill is a socialist document and it was signed in October 2002. The government has choices for South Africa's mining and mineral industries, socialism or regulated industries. There are political factors in South Africa on mining with the socialists and the centrists. The Act has its leftist ideology from ANC's history with communism and many ANC members are trying to implement African socialism in the Act. The centrists are trying to stop socialism in the country.<sup>1</sup> The centrists know that socialism is bad for South Africa, South Africa's economy, and the mining and mineral industries. The centrists know that socialism will impede investments in mining.

Centrists are trying to create an environment for investors in mining with regulated industries in a stable post-apartheid government. Presently (2004), the centrist faction controls the ANC, but there are many socialists in the ANC. There are South African socialists outside the ANC which include the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU).

The centrists conceded to the socialists with the Broad-Based Socio-Economic Empowerment Charter of the South African Mining Industry (Charter). The Charter is a socialist document/policy, but it is not an act. In October 2002, the Charter dovetailed with the signing of the Mineral and Petroleum Resources Development Bill. The original Charter was issued in June 2002 when the Bill was passed in the National Assembly. The Charter was bad for South African mining companies. South African mining share values plunged when it was leaked.<sup>2</sup>

The original Charter would change South African mining companies from capitalistic companies to socialist companies, and there would be few investors in South African mining. Mines would close and industrial countries' strategic minerals supply would cease.

The centrists diluted the Charter in the October 2002 new Charter. It has socialist principles with small achievable targets in achievable time periods. The centrists' tenet was included in the new Charter: "...it is not the government's intention to nationalize the mining industry."<sup>3</sup> The centrists want investments for the country and they will follow the principles in the U.N. General Assembly resolution 1803 (XVII) of December 14, 1962 on the "Permanent Sovereignty over Natural Resources." The resolution said, "...the owner shall be paid appropriate compensation...in accordance with international law. In any case where the question of compensation gives rise to a controversy...the dispute should be made through arbitration or international adjudication."<sup>4</sup>

The Charter grew in South Africa's political landscape, and many mining companies acceded to the Charter's plans. Anglo-American's chief executive officer, Tony Trahar, said that Anglo-American will achieve the Charter's targets. AngloGold's CEO, Bobby Godsell said, "We have no doubt that the...target can be realistically met."<sup>5</sup> Gold Fields' CEO, Ian Cockerill, said, "Gold Fields is well positioned to meet the requirements of the Charter within the prescribed period."<sup>6</sup> Many investors such as Australia's BHP Billiton are concerned about the Charter. BHP Billiton said, "The effect of the charter will ultimately depend on the specifics of the implementation process."<sup>7</sup>

Many South African mining companies' shares have dropped after October 2002 when the Act was signed with the publication of the Mining Charter. Investors are concerned about their investments in old and new projects. There are concerns about government corruption because the Act and the Mineral Petroleum Royalty/Money Bill does not have checks on corruption. The Minister of Minerals and Energy has too much power in the Act and the Minister's ideology could pervert the Act and the Bill.

There are recommendations for strategic mineral providers. First, providers must acknowledge South Africa's political landscape which has changed from the pre-1994 political landscape. Old and larger providers must understand that the government has changed mining laws to the left with socialist laws and follow the Charter's plan with alliances with junior and HDSA (Historically Disadvantaged South Africans) mining companies.



South Africa's government is stable and the ANC will be the majority party for years. Strategic mineral providers should comply with the Bill and the plan in the Charter in ANC South Africa. Providers should help ANC centrists in elections.

Strategic mineral providers must work with the government's Mineral Economics Directorate-Minerals Bureau on strategic mineral markets. Industrial countries and the United States need South Africa's strategic minerals. Strategic mineral providers will supply strategic minerals for American and industrial companies' projects such as the reconstruction of post-war Iraq.

There are opportunities for investors in strategic minerals in South Africa. South Africa's government is stable with a cadre of centrists who are anti-socialism; however, investors should delay their large investments until after the 2004 elections. If the centrists win, then there will be more opportunities for investors in South African mining. If the centrists lose, the investors should pare their investments in mining until the political environment changes.

South Africa's mining and mineral industries are in a post-apartheid transition period with the Mineral and Petroleum Resource Development Act (Act 28 of 2002) and the Broad-Based Socio-Economic Empowerment Charter for the South African Mining Industry. South Africa has been and is the world's premier provider of strategic minerals. The country's providers should expand strategic minerals with the "use-it or lose-it" principle of the Act and providers will expand with the Mining Charter. Investors should invest in South Africa's mining.

Presently (2004), South Africa's government is stable and strategic mineral markets are growing.

### Notes

<sup>1</sup>"South Africa; For Sale," The Economist, Nov. 5, 1994, p. 42. Alan Fine, "The ANC Dares to Break Another Taboo: Privatization," Business Week, Nov. 21, 1994, p. 50. Tom Nevin, "Damned If You Do; Damned If You Don't," African Business, Jan. 1998, p. 13. "S. Africa's Ruling Party Vows to Continue Privatization Process," Xinhua, Aug. 24, 2001

<sup>2</sup>Iraj Abedian, "Charter is a Critical Milestone for SA," Business Day (Johannesburg), Oct. 10, 2002 <<http://allafrica.com/stories/printable/200210100084.html>> Oct. 16, 2002.

<sup>3</sup>Republic of South Africa, Broad-Based Socio-Economic Empowerment Charter for the South African Mining Industry, Department of Minerals and Energy <<http://www.polity.org.za/html/govdocs/misc/mining-charter.htm>> Dec 1, 2002.

<sup>4</sup>United Nations, High Commissioner for Human Rights, "Permanent Sovereignty over Natural Resources," General Assembly, Resolution 1803 (XVII), Dec. 14, 1962 <[http://www.unhchr.ch/html/menu3/b/c\\_natres.htm](http://www.unhchr.ch/html/menu3/b/c_natres.htm)> July 30, 2001.

<sup>5</sup>"Gold Mining Companies Welcome Charter," South African Broadcasting Corporation Oct. 10, 2002 <[http://www.sabcnews.com/Article/print\\_whole\\_story/0,1093,44727,00.html](http://www.sabcnews.com/Article/print_whole_story/0,1093,44727,00.html)> Dec. 2, 2002.

<sup>6</sup>"Gold Fields Limited Mining Charter Response," Press Release, PRNewswire-FirstCall, Oct. 10, 2002 <[http://biz.yahoo.com/prnews/021010/lath054\\_1.html](http://biz.yahoo.com/prnews/021010/lath054_1.html)> Dec 12, 2002.

<sup>7</sup>Barry FitzGerald, "South African Mining Charter Wins Early Industry Support," The Age, Oct. 11, 2002 <<http://www.theage.com.au/articles/2002/10/10/1034222542947.html>> Dec. 2, 2002.

## Appendix I

### Name changes

Old name	New name
Northern Province <sup>a</sup>	Limpopo Province <sup>a</sup>
Pietersburg <sup>b</sup>	Polokwane <sup>b</sup>
Potgietersrus <sup>b</sup>	Mokopane <sup>b</sup>
Ellisras <sup>b</sup>	Lephalale <sup>b</sup>
Warmbaths <sup>b</sup>	Bela-Bela <sup>b</sup>
Nylstroom <sup>b</sup>	Modimolle <sup>b</sup>
Messina <sup>b</sup>	Musina <sup>b</sup>
Bochum <sup>b</sup>	Senwabarwana <sup>b</sup>

<sup>a</sup>Republic of South Africa, Constitution of the Republic of South Africa, Third Amendment Bill (B33-2002) <<http://www.gov.za/gazette/bill/2002/b33-02.pdf>> March 13, 2003.

<sup>b</sup>Republic of South Africa, “Officiality of Name Change”  
<<http://www.limpopo.gov.za/namechange.html>> March 3, 2003.

## Appendix II

### Production of Andalusite-1990-2000<sup>a</sup>

Year	Production (1000t)
1990	283.7
1991	209.8
1992	230.3
1993	187.7
1994	206.3
1995	206.4
1996	233.7
1997	251.2
1998	236.2
1999	136.9
2000	182.7

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Andalusite"  
<<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl16.pdf>> Feb. 11, 2003.

## Appendix III

### Production of Antimony-1990-2000<sup>a</sup>

Year	Production (t)
1990	5255
1991	4176
1992	3951
1993	4111
1994	4534
1995	5537
1996	5137
1997	3415
1998	4243
1999	5278
2000	3710

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Antimony"  
<<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl05.pdf>> Feb. 11, 2003.

## Appendix IV

### Production of Chromite-1990-2000<sup>a</sup>

Year	Production (1000t)
1990	4618
1991	5100
1992	3363
1993	2838
1994	3642
1995	5086
1996	5078
1997	6162
1998	6480
1999	6817
2000	6898

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Chromite"  
<<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl06.pdf>> Feb. 11, 2003.

## Appendix V

### Production of Cobalt-1990-2000<sup>a</sup>

Year	Production (1000kg)
1990	249.5
1991	208.6
1992	234.4
1993	171.7
1994	246.3
1995	189.9
1996	247.2
1997	317.8
1998	296.4
1999	305.8
2000	397.1

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Cobalt"  
<<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl07.pdf>> Feb. 11, 2003.

## Appendix VI

### Production of Manganese Ore-1990-2000<sup>a</sup>

Year	Production (1000t)
1990	4402
1991	3146
1992	2464
1993	2507
1994	2851
1995	3199
1996	3240
1997	3121
1998	3044
1999	3122
2000	3635

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Manganese Ore" <<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl11.pdf>> Feb. 11, 2003.



## Appendix VII

### Production of Platinum Group Metals-1990-2000<sup>a</sup>

Year	Production (1000kg)
1990	141.9
1991	142.9
1992	152.9
1993	176.2
1994	183.9
1995	183.1
1996	188.6
1997	196.6
1998	200.0
1999	216.5
2000	206.8

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Platinum Group Metals" <<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl03.pdf>> Feb. 11, 2003.

## Appendix VIII

### Production of Pyrophyllite included wonderstone-1990-2000<sup>a</sup>

Year	Production (t)
1990	2759
1991	4448
1992	3053
1993	4287
1994	14117
1995	12187
1996	8837
1997	10610
1998	11500
1999	13277
2000	11989

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Pyrophyllite"  
<<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl35.pdf>> Feb. 11, 2003.

## Appendix IX

### Production of Rutile (concentrate)-1990-2000

Year	Production (1000t)
1990 <sup>a</sup>	64.3
1991 <sup>a</sup>	77
1992 <sup>b</sup>	85
1993 <sup>b</sup>	86
1994 <sup>b</sup>	78
1995 <sup>b</sup>	90
1996 <sup>c</sup>	115
1997 <sup>c</sup>	123
1998 <sup>c</sup>	130
1999 <sup>c</sup>	100
2000 <sup>c</sup>	100

<sup>a</sup>Hendrik G. van Oss, "The Mineral Industry of South Africa," 1994

<<http://minerals.usgs.gov/minerals/pubs/country /1994/9235094.pdf>> Feb. 11, 2003.

<sup>b</sup>George J. Coakley and Thomas P. Dolley, "The Mineral Industry of South Africa," 1996

<<http://minerals.usgs.gov/minerals/pubs/country /1996/9235096.pdf>> Feb. 11, 2003.

<sup>c</sup>George J. Coakley, "The Mineral Industry of South Africa," 2000

<<http://minerals.usgs.gov/minerals/pubs/country /2000/sfmyb00.pdf>> Feb. 11, 2003.

## Appendix X

### Production of Vanadium-1990-2000<sup>a</sup>

Year	Production (t)
1990	16,241
1991	13,994
1992	13,447
1993	14,447
1994	15,617
1995	16,583
1996	17,095
1997	16,103
1998	18,954
1999	17,612
2000	18,021

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, "Production and Sales of Vanadium"  
<<http://www.dme.gov.za/publications/pdf/stats/minerals/tables/tbl70.pdf>> Feb. 11, 2003.

## Appendix XI

### Production of Zircon and Baddeleyite (zirconium concentrate)-1990- 2000

Year	Production (1000t)
1990 <sup>a</sup>	152
1991 <sup>a</sup>	230
1992 <sup>b</sup>	243
1993 <sup>b</sup>	243
1994 <sup>b</sup>	240
1995 <sup>b</sup>	260
1996 <sup>c</sup>	260
1997 <sup>c</sup>	265
1998 <sup>c</sup>	265
1999 <sup>c</sup>	219
2000 <sup>c</sup>	253

<sup>a</sup>Hendrik G. van Oss, "The Mineral Industry of South Africa," 1994

<<http://minerals.usgs.gov/minerals/pubs/country/1994/9235094.pdf>> Feb. 11, 2003.

<sup>b</sup>George J. Coakley and Thomas P. Dolley, "The Mineral Industry of South Africa," 1996

<<http://minerals.usgs.gov/minerals/pubs/country/1996/9235096.pdf>> Feb. 11, 2003.

<sup>c</sup>George J. Coakley, "The Mineral Industry of South Africa," 2000

<<http://minerals.usgs.gov/minerals/pubs/country/2000/sfmyb00.pdf>> Feb. 11, 2003.

## Appendix XII

### Platinum Group Metals' Mining-Newly Committed Projects<sup>a</sup>

<b>Holding Company</b>	<b>Mine</b>	<b>Province</b>	<b>Project</b>	<b>Cost (million)</b>
Aquarius Platinum	Marikana Platinum	North West	New mine development	\$56.66
Anglo Platinum	Bafokeng-Rasimone	North West	New mine development	\$113.32
Anglo Platinum	Union Section	Limpopo	UG2 Expansion project	\$39.95
Lonmin Platinum	Eastern/Western	North West	Expansion	\$509.94
Anglo Platinum/ARM	Maandashoek	Limpopo	New Platinum mine	\$151.09
Impala Platinum Holdings	Marula	Limpopo	New mine development	\$151.09
Anglo Platinum	Rustenburg Section	North West	Waterval project	\$123.71
Anglo Platinum	Rustenburg Section	North West	Waterval converter project	\$136.93
Southern Era	Messina Platinum	Limpopo	Development of the mine	\$49.48
Anglo Platinum/Lonmin Platinum	Pandora Joint Venture	North West	New mine development	\$134.10
Anglo Platinum	Polokwane	Limpopo	New Smelter	\$123.71
Impala Platinum Holdings	Impala Platinum	North West	No. 12 shaft south decline	\$24.18
Impala Platinum Holdings	Impala Platinum	North West	No. 14 shaft decline	\$156.38
Cluff Mining	PGM Projects	Mpumalanga	Exploration Program	\$2.83
Pan Palladium	Aurora & Phosiri Projects	Limpopo	Exploration Program	\$1.61

Avmin/Impala Platinum Holdings	Two Rivers	Mpumalanga	New mine development	\$66.10
Impala Platinum Holdings	Impala Platinum	North West	No. 12 shaft north decline	\$44.48
Anglo Platinum/Royal Bafokeng	Styldrift	North West	New mine development	\$211.82
Anglo Platinum	Twickenham	Limpopo	New mine development	\$258.75

<sup>a</sup>Republic of South Africa, Dept. of Minerals and Energy, Annual Report R39-2002  
<[http://www.dme.gov.za/publications/pdf/annual\\_reports/R39-2002.pdf](http://www.dme.gov.za/publications/pdf/annual_reports/R39-2002.pdf)> Feb. 12, 2003.

## Appendix XIII

### Examples of the Affect of the Royalty/Money Bill on South African Mines

Harmony Gold Mining Company<sup>a</sup>

Mine	Net Present Value		Internal Rate of Return	
	Before Bill	After Bill	Before Bill	After Bill
Doorrkop	R876million	R802million	48%	44%
Elandskraal	R1.4billion	R1.3billion	33%	32%
Nyala	R120million	R100million	46%	44%
Tshepong	R765million	R716million	51%	43%

<sup>a</sup>David McKay, "Harmony Counts Royalty Cost," April 16, 2003, Mineweb  
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## Appendix XIV

### Royalty Tax Rates-Strategic Minerals<sup>a</sup>

Mineral	Rate
Andalusite	1%
Antimony	2%
Chromium	3%
Cobalt	2%
Manganese	2%
Platinum Group Metals	4%
Pyrophyllite-wonderstone	1%
Rutile	3%
Vanadium	3%
Zircon plus Baddeleyite	1%

<sup>a</sup>Republic of South Africa, Mineral and Petroleum Royalty Bill, National Treasury, March 10, 2003 <<http://www.polity.org.za/pdf/mpr.pdf>> May 3, 2003.

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## Vita

Kossouth Snyder was born on May 26, 1950 in Battle Creek, Michigan. He completed his primary and secondary education in the public school system of Battle Creek. He attended Cornell University and graduated in May, 1973 with a B.A. His major was Africana Studies. His education continued at Cornell where the Master of Professional Studies was awarded in January, 1976, with a major in African and African-American Studies. The topic of his master's thesis was the political and economic relationships that existed between Malawi and its neighbors, Rhodesia, Mozambique, and South Africa. From 1975 through 1977 he worked at Western Illinois University where he served as the director of the Gwendolyn Brooks Cultural Center and taught classes in the Department of Afro-American Studies. That was followed by four years at Lawrence University in Appleton, Wisconsin where he was in administration and taught.

In the fall of 1981, Mr. Snyder began full time study in geology at Indiana University-Bloomington where he completed the M.Sc. His research was published with Edward M. Ripley, "Experimental Sulfur Isotope Studies of the Pyrite to Pyrrhotite Conversion in a Hydrogen Atmosphere," *Economic Geology*, Vol. 95, No. 7, Nov. 2000, pp. 1551-1554. Mr. Snyder was an instructor at St. Cloud State University in St. Cloud, Minnesota. He taught an environmental geology course in the Department of Earth Science during the summer of 1991.

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Mr. Snyder's graduate education culminated at the University of Texas at Austin. He was a student in the University's Energy and Mineral Resources Program which is housed in the Department of Petroleum and Geosystems Engineering. He was a student and a member of the International Seminar for Youth Leaders in Johannesburg, South Africa. Mr. Snyder was a speaker in the conference and his speech was "Advances at Blyvooruitzicht Gold Mine" at Oberholzer, South Africa. His dissertation topic is on South Africa's mineral futures.

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